

# TEXAS REGISTER

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Office of the Secretary of State

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# NOTES ON THE ISSUE

The In Addition section contains a guide to agency activity in the *Register* for January. Such guides will be published monthly in one of the first issues of the following month. The quarterly indexes will continue, combining these agency guides with the addition of subject entries. The first quarterly index for 1978 will be in the April 28th issue.

The Texas Water Development Board announces two hearings to receive testimony for water quality management plans for the Rio Grande Basin. The board has established 15 major drainage areas covering the entire state and has held or will hold similar hearings for all areas to establish basic economic, social, and physical data. The information will form *Volume I, Basic Data Report*. Upon completion of the data collection, *Volume II* (the actual water quality management plan), containing the recommendations for facilities, regulations, equipment, and so forth, will be developed. Similar hearings will be held at some future date to receive input for *Volume II*.

The Texas Education Agency proposes and adopts rules in this issue concerning the adoption of state textbooks. With biennial funding of 63 million dollars, the agency provides books to all public school students in subjects for which textbooks are approved. Approval is based on demand and availability of appropriate materials and is for a period of from three to six years. Recommendations for the texts come from the 15-member Textbook Committee, appointed annually by the commissioner from nominations from the state board. The members of the committee are professional educators who have never been affiliated with a textbook publisher; no more than one may serve from any single congressional district.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

*Artwork - Gary Thornton*

## TEXAS REGISTER



*Steven C. Oaks  
Secretary of State*

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The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

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## Appointments

### Texas Commission on Alcoholism

*For a six-year term to expire June 8, 1979:*

Charles B. Skipper III  
Route 1, Box 125-C-1  
Boerne, Texas 78006

Mr. Skipper is replacing E. S. Emerson of San Antonio, Bexar County, who is deceased.

### Commission on Jail Standards

*For six-year terms to expire January 31, 1983:*

Fidencio G. Garza, Jr.  
610 Taylor Road  
Falfurrias, Texas 78355

Robert J. Uhr  
P.O. Box 723  
New Braunfels, Texas 78130

Andy J. McMullen  
Route 1  
Hamilton, Texas 76531

Judge Garza and Mr. Uhr are being reappointed. Mr. McMullen is replacing James Greenwood III of Houston, Harris County, whose term expired.

### Judge of the 27th Judicial District

*To be judge of the 27th judicial district of Texas, Bell, Lampasas, and Mills Counties, until the next general election and until his successor shall be duly elected and qualified:*

C. W. (Bud) Duncan, Jr.  
508 Nolan  
Killeen, Texas 76541

Mr. Duncan is replacing Donald Busby of Belton, Bell County, who resigned.

### Commission on Law Enforcement Officer Standards and Education

*For a six-year term to expire August 30, 1983*

Richard C. Ingram  
Route 2, Box 220  
McKinney, Texas 75069

Mr. Ingram is being reappointed.

### Veterans Affairs Commission

*For a six-year term to expire December 31, 1983:*

Arturo T. Benavides  
Box 1  
Bruni, Texas 78344  
David Leonard Stein  
2010 West Craig  
San Antonio, Texas 78201

Mr. Benavides is replacing George E. Stanley of Port Arthur, Jefferson County, whose term expired. Mr. Stein is replacing Charles Lowell Slaton of Quanah, Hardeman County, whose term expired.

### Veterans Land Board

*For a four-year term to expire December 29, 1980:*

T. J. Massingill  
1422 Du Barry Drive  
Houston, Texas 77018

Mr. Massingill is replacing Murray L. McWhorter of Austin, Travis County, whose term expired.

Doc. No. 780754

## Proclamations

### Proclamation 41-1663

WHEREAS, a vacancy now exists in the membership of the Texas House of Representatives from District 50, consisting of part of Cameron County, Texas;

WHEREAS, Chapter 715, Section 1, page 2295, Acts of the 64th Legislature, Regular Session, 1975 (Article 2.01b, Vernon's Texas Election Code, as amended), requires elections to be held on uniform dates absent the finding of an emergency;

NOW, THEREFORE, I, Dolph Briscoe, Governor of Texas, do hereby find the existence of an emergency due to the urgent need for a replacement in the Texas House of Representatives;

Now, I, Dolph Briscoe, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order a special election be held in State Representative District 50, on the 4th day of March, 1978, for the purpose of electing a state representative for District 50 to serve out the unexpired term of the Honorable Ruben M. Torres.

Applications to be placed on the special election ballot must be filed with the secretary of state no later than 5 p.m. on the 1st day of February, 1978.

A copy of this order will be mailed immediately to the County Judge of Cameron County, containing all of District 50, and all appropriate writs will be issued and all proper proceeding will be followed to the end that said election may be held and its results proclaimed in accordance with law.

IN TESTIMONY WHEREOF have hereunto signed my name and have officially caused the Seal of State to be affixed at Austin, this 25th day of January, 1978.

Issued in Austin, Texas, on January 25, 1978.

Doc. No. 780693

Dolph Briscoe  
Governor of Texas

For further information, please call (512) 475-3021.

## Requests for Opinions

### Summary of Request for Opinion RQ-1813

Request for opinion sent to the Attorney General's Opinion Committee by Bill Stubblefield, Williamson County Attorney, Georgetown.

**Summary of Request:** Does the county clerk have the duty to file a subdivision plat and a partial vacation approved by the City Planning Commission when the proposed subdivision includes land which was within an earlier platted subdivision and an application joined by all of the owners of the lots in the original subdivision has not been filed?

Doc. No. 780716

### Summary of Request for Opinion RQ-1814

Request for opinion sent to the Attorney General's Opinion Committee by Tom Massey, Chairman, Committee on Public Education, Texas House of Representatives, Austin.

**Summary of Request:** May a faculty member who has elected to participate in the Optional Retirement Program and has later obtained a job which required him to participate in the Teacher Retirement System subsequently elect to participate in the Optional Retirement Program? The request calls for a reconsideration of Attorney General Opinion M-1027.

Doc. No. 780717



## Opinions

### Summary of Opinion H-1121

Request from Joseph N. Murphy, Jr., Executive Director, Employees Retirement System of Texas, Austin, concerning disposition of surpluses generated under state employees group insurance programs.

**Summary of Opinion:** Experience rating refunds attributable to group insurance plans maintained by individual state agencies prior to September 1, 1976, must be paid into the Employees Life, Accident, and Health Insurance and Benefits Fund. The Employees Retirement System may use the refunds to pay for the cost of auditing the insurance carriers holding them.

Doc. No. 780718

### Summary of Opinion H-1122

Request from Gibson D. Lewis, Chairman, Natural Resources Commission, Texas House of Representatives, Austin, concerning retirement programs for volunteer firemen.

**Summary of Opinion:** A city which elected to exempt itself from the terms of Senate Bill 411 is not required to create a retirement system for its volunteer firemen under Article 6243e or any other statute. A city, unless it exempted itself under Section 2(a) of Senate Bill 411, must make contributions to the Fire Fighters Relief and Retirement Fund for any month during which any of its volunteer firemen render "qualified service" in accordance with the statute. "Monetary remuneration" includes payment by coin, currency, check, or money order, but does not embrace the furnishing of free or discounted water. If a volunteer fire department is not located within a city or town, any political subdivisions within which the department and a rural fire prevention district are wholly situated are required to make contributions to the fund. A city which rescinds its resolution of exemption is required to contribute on behalf of every person rendering "qualified service" the sum of \$12 per month commencing with the effective date of the rescission order. The contributions imposed by Senate Bill 411 are not in contravention of Article 3, Section 52, of the Texas Constitution.

Issued in Austin, Texas, on January 30, 1978.

Doc. No. 780719

C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

For further information, please call (512) 475-5445.

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



## Comptroller of Public Accounts

### Tax Administration

#### Ad Valorem Tax Division 026.02.16

The 65th Legislature passed House Bill 2028, which became effective August 29, 1977. In order to properly administer the bill, which requires the Comptroller of Public Accounts to concur in a tax assessor-collector's determination of market value of property located within an urban renewal project, the Comptroller of Public Accounts is renewing the effectiveness of Emergency Rule 026.02.16.026 for a 20-day period. The text of the rule was published in the October 18, 1977, issue of the *Texas Register* (2 TexReg 3956).

This rule has been promulgated under the authority of Texas Revised Civil Statutes Annotated, Article 7210 (1960).

Issued in Austin, Texas, on February 1, 1978.

Doc. No. 780764      Bob Bullock  
Comptroller of Public Accounts

Effective Date: February 1, 1978

Expiration Date: February 21, 1978

For further information, please call (512) 475-4166.

## Texas Parks and Wildlife Department

### Wildlife

#### Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation No. 23, 1977-78, 127.70.13

The Texas Parks and Wildlife Commission has authorized its executive director to file emergency amendments to Rules 127.70.13.011, .017, .019, .024, .025, and .045, which are a portion of the Wildlife Management Areas Hunting, Fishing, and Trapping Proclamation No. 23, 1977-78. The Texas Parks and Wildlife Commission is responsible for establishing seasons, bag limits, means, and methods for harvesting the wildlife resources on wildlife management areas.

The reason for the emergency amendments is to reduce the number of feral hogs on the Gus Engeling Wildlife Management Area located in Anderson County. The feral hog population poses a threat to existing wildlife on the management area. The feral hogs are (1) destroying wildlife habitat, (2) competing directly with deer for food, (3) interfering with management-oriented trapping activities of deer, turkey, and squirrel, and (4) destroying portions of fences. The commission found that the feral hog is detrimental to the wildlife resources on the Gus Engeling Area causing imminent peril to the public welfare. The commission considered alternatives and found that the most immediate available means to reduce the feral hog population would be by public hunting.

Therefore, the commission is promulgating emergency amendments to Rules 127.70.13.011, .017, .019, .024, .025, and .045 to provide an open season on predatory animals which, for public hunting purposes, are defined as feral hogs, European wild boars, and crosses thereof.

These amendments are issued under the authority of Section 81.401-.403, Texas Parks and Wildlife Code.

#### .011. *General Regulations.*

(j) A person hunting deer, [or] javelina, *or predatory animals* on a wildlife management area, other than bowhunters during a special archery-only season, must visibly wear a minimum of 400 square inches of daylight fluorescent orange material with 144 square inches appearing on both the chest and back.

#### .017. *Rifle and Shotgun.*

(a) It is lawful to shoot game animals, *predatory animals*, and exotic mammals only with a rifle or shotgun capable of and designed for being shot from the shoulder.

(d) *It is unlawful to use shotgun shells other than rifled slugs or buckshot in shooting predatory animals.*

#### .019. *Hunting with Dogs.*

(a) It is unlawful to use a dog or dogs in hunting, pursuing, or taking deer *or predatory animals*.

#### .024. *Hunting Permits.*

(c) All hunting and trapping shall be by special permit, except deer hunters on the Pat Mayse Area, *predatory animal hunters on the Gus Engeling Area*, and quail hunters on the Black Gap, Chaparral, Gus Engeling, Gene Howe,

and Matador Wildlife Management Areas will be accepted on a first-come first-served basis.

(g) A maximum of 50 predatory animal hunters per day will be permitted on the Gus Engeling Area on a first-come first-served basis.

.025. *Checking Game.* All game birds, game animals, exotic mammals, *predatory animals*, and furbearers taken or killed on the wildlife management areas, except Pat Mayse Area and Angelina Area (Toledo Bend and Dam "B" Units), must be checked at designated check stations before the hunter or trapper leaves the premises. On the Pat Mayse Area during the regular season, hunters are required to check deer in at check station located on FM 1499.

.045. *Predatory Animals.* There is no open season on predatory animals, except they may be taken by valid permit

holders only during deer and javelina open seasons, and on the Gus Engeling Area, feral hogs, European wild boars, and crosses thereof may be taken during the special hunt.

(a) Open season: (1) Gus Engeling: February 10, 11, 12, 17, 18, 19, 24, 25, 26; March 3, 4, 5, 1978.

(b) Bag and possession limit: none.

Issued in Austin, Texas, on January 25, 1978.

Doc. No. 780720

Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective Date: January 31, 1978

Expiration Date: May 31, 1978

For further information, please call (512) 475-4875.



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

## State Banking Board Procedure for Hearings

### Pleadings and Applications 055.03.02.002

The State Banking Board is proposing to amend Rule 055.03.02.002 entitled "Form." The proposal amends Section (c) of the rule which defines the term "community" as that term is used in bank charter applications. The new definition is designed to avert a possible conflict with provisions of the Texas Banking Code. The new definition should also prove a more useful tool in analyzing the economics of bank charter application.

This amendment has no fiscal implications. (Source: State Banking Board Staff.)

Public comment on the proposed amendment to Rule 055.03.02.002 is invited. Persons should submit their comments to Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705.

This amendment is proposed under the authority of Chapter I, Article 15 of the Texas Banking Code.

#### .002. Form.

(c) *The term "community" as used in the Texas Banking Code shall be considered to mean that geographical area so situated with respect to the proposed location that persons residing in such area could reasonably patronize the proposed office in the ordinary course of their business.* [In connection with any application for charter the term "community" shall be considered to mean that geographical area from which the proposed bank will draw a majority of the loans and deposits.]

Doc. No. 780725

### 055.03.02.009

The State Banking Board is proposing to amend Rule 055.03.02.009, entitled "Consolidated Hearings." The board intends to effect no change, substantive or procedural, whatsoever by this proposed amendment. The sole purpose of the proposal is to improve the wording of the rule making clear what the policy of the State Banking Board is and always has been, with respect to consolidated hearings.

This amendment has no fiscal implications. (Source: State Banking Board staff.)

Public comment on the proposed amendment is invited. Persons should submit their comments to Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705.

This amendment is proposed under the authority of Chapter I, Article 15 of the Texas Banking Code.

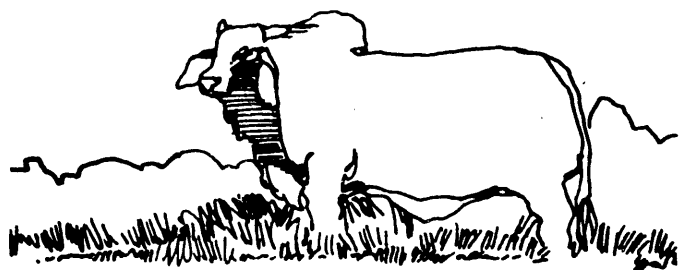
.009. *Consolidated Hearings.* If an application for charter is officially filed within 14 days after *a pending* [an] application for [a pending] charter has been officially filed, for a location which, in the opinion of the commissioner, is for the same community as the pending application, such applications *shall be deemed to have been filed simultaneously* and shall be heard in one hearing to be held upon the date set for the pending application, *none having advantage over another because of time of filing.* Notice of the consolidated hearing will be sent to all applicants or their attorneys of record.

Issued in Austin, Texas, on January 30, 1978.

Doc. No. 780726      Robert E. Stewart  
Banking Commissioner  
State Banking Board

Proposed Date of Adoption: March 9, 1978

For further information, please call (512) 475-4451.



## Texas Education Agency Instructional Resources

### State Textbook Program in General 226.33.31

The Texas Education Agency proposes to amend Rule 226.33.31.090, concerning the state textbook program. Senate Bill 1, 65th Legislature, Special Session, amended

Sections 12.14 and 12.15, Texas Education Code, to include provision for the adoption by the State Board of Education of "learning systems" as well as certain supplementary materials to be used in conjunction with specific adopted textbooks. The proposed amendment to Rule .090 adds an administrative procedure section to the rule. The procedure states that these sorts of materials may be considered by the State Board of Education only in those subject areas recommended by the commissioner of education and sets out steps the commissioner may take in developing his recommendations.

The Texas Education Agency estimates that the proposed amendment to Rule .090 will have no state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.33.31.090 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, Associate Commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Sections 11.02, 12.01, 12.12, and 12.13, Texas Education Code.

*.090. Consumable Textbooks, Learning Systems, and Supplementary Instructional Materials.*

(a) Policy. Consumable textbooks, learning systems, and supplementary instructional materials may be considered for adoption by the State Board of Education only in those subjects recommended by the commissioner of education.

(b) Administrative procedure. Consumable textbooks, learning systems, and supplementary instructional materials may be considered only in those subject areas recommended by the commissioner of education.

(1) The commissioner shall consult with the appropriate staff to determine availability of materials and cost estimates.

(2) The commissioner may consult with publishers concerning availability of materials, cost estimates, and expected length of use.

Doc. No. 780684

## Subjects in Which Textbooks are Adopted and Provided 226.33.33

The Texas Education Agency proposes to amend Rule 226.33.33.010, which concerns the lists of subjects in which textbooks may be adopted by the State Board of Education. Senate Bill 1, 65th Legislature, Special Session, amended Sections 12.14 and 12.15 of the Texas Education Code to include provision for the adoption by the State Board of Education of "learning systems" as well as certain supplementary materials to be used in conjunction with specific adopted textbooks.

The proposed amendment to Rule 226.33.33.010 adds definitions of "learning system" and "supplementary materials" to the administrative procedure section of the rule. A limitation will be placed on the price of kindergarten systems similar to that limit required by law for systems in use at other grade levels. Only the administrative procedure section of the rule is changed. The rest of the rule remains unchanged.

The Texas Education Agency estimates state costs for the textbook purchasing program as follows:

1977-78	\$ 43,740,034
1978-79	\$ 29,259,966
1979-80	\$ 40,773,900
1980-81	\$ 43,903,210
1981-82	\$ 45,957,862

The proposed rule is not anticipated to have local fiscal implications.

Public comment on the proposed amendment to Rule 226.33.33.010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Sections 12.01, 12.14, and 12.15, Texas Education Code.

*.010. Lists of Subjects.*

(b) Administrative procedure.

(1) Elementary grades (1-8). The commissioner of education annually recommends any additional approved subjects for which evidence of need is shown or anticipated and appropriate materials are available.

(2) High school. The commissioner of education annually recommends any new courses recommended by the State Commission on School Accreditation for which evidence of need is shown or anticipated and appropriate materials are available.

(3) To be eligible for state adoption, a system shall encompass the following definition: a system is a package of instructional/learning materials with accompanying media designed to enable students to achieve desired outcomes for a specific content area or course of study. Items included must be related by design and must be integral and essential parts of the system.

(4) To be eligible for state adoption, supplemental materials shall encompass the following definition: those instructional media deemed adjunctive but not essential to supplying information and experience stimuli to allow learner achievement of stated objectives or goals contained in the essential set of information, namely, an adopted.

(5) Criteria to determine areas where systems and supplemental materials are to be adopted shall be developed each year as planning takes place to call an adoption.

(6) Modular textbooks, when called, shall be developed toward individualized instruction. Pricing

should be comparable to a regular textbook. If modular textbooks are higher in cost, distribution should be made to provide a comparable cost per pupil to other books on the list.

(7) A limitation on the price and percent of consumables shall be placed on kindergarten systems. Since there are no textbooks adopted (as per definition prior to kindergarten adoption) in this category, the formula for cost per pupil would not apply as a price limitation.

Issued in Austin, Texas, on January 30, 1978.

Doc. No. 780713 M. L. Brockett  
Commissioner of Education

Proposed Date of Adoption: March 9, 1978

For further information, please call (512) 475-7077.

## Office of the Governor

### Budget and Planning Division

#### Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance 001.60.11

These rules are proposed in accordance with Section 308 (g) (2) of Public Law 94-370 (Senate 586, 94th Congress, July 26, 1976) as further amplified by Interim Final Regulations (*Federal Register*, January 5, 1977).

Due to continuing participation in the Federal Coastal Zone Management Program, the State of Texas is eligible to participate in the Coastal Energy Impact Program. The primary purpose of this program is to provide financial assistance to local governments and state agencies to mitigate the onshore effects of new or expanded coastal energy activity.

The Budget and Planning Office has been designated as the state agency to administer Coastal Energy Impact Program assistance in Texas. The Budget and Planning Office has developed these proposed Intrastate Allocation Procedures to assure that the Texas share of allocated financial assistance is distributed, to the maximum extent feasible, among eligible local governments and state agencies according to need. The Budget and Planning Office is also responsible for selecting, coordinating, and submitting applications for financial assistance to the Federal Office of Coastal Zone Management.

The Budget and Planning Division staff has determined that the fiscal impact of this rule will be limited to the participating governmental entities as match requirements to the extent set forth in the grant provision.

Written comments on the proposed procedures are invited. Comments may be sent to the Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701, within 30 days of publication in the *Texas Register*.

.001. *Purpose of Coastal Energy Impact Program Assistance.*

(a) Senate Bill 577, Acts of the 65th Legislature, Regular Session, generally defines the coastal zone as those coastal areas normally and regularly influenced by seawater. The Coastal Energy Impact Program is designed to deal with

impacts in this zone regardless of whether the energy facility is actually located within the coastal zone. An energy facility which is outside the coastal zone but which impacts resources in the coastal zone is within the purview of this program.

(b) Energy facilities within the Coastal Energy Impact Program generally include any equipment or facility used in exploring, developing, producing, conserving, storing, transferring, processing, or transporting any energy resource. Such energy facilities include, but are not limited to, electric generating plants; petroleum refineries and associated facilities; gasification plants; facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; uranium enrichment or nuclear fuel processing facilities; oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; facilities including deepwater ports for the transfer of petroleum; pipelines and transmission facilities; and terminals which are associated with any of the foregoing.

.002. *Types of Assistance.* Financial assistance is available through the Coastal Energy Impact Program for three purposes:

(a) Planning—for studying and planning for any economic, social, or environmental consequence which has occurred, occurring, or is likely to occur in the coastal zone as a result of the siting, construction, expansion, or operation of new or expanded energy facilities.

(b) Public facilities and public services—for assisting state and local governments in providing new or improved public facilities or public services which are required as a result of coastal energy activity.

(c) Environmental or recreational losses—for enabling state and local governments to prevent, reduce, or ameliorate any unavoidable loss in the coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity.

.003. *Eligibility for Coastal Energy Impact Program Assistance.* Units of government eligible for Coastal Energy Impact Program assistance include cities, counties, special districts, councils of governments, school districts, and state agencies. Eligibility requirements for specific types of assistance will vary and are described below in Rule .006.

.004. *Relationship to the Texas Coastal Management Program.* Coastal Energy Impact Program activities are intended to complement and support work accomplished through the Texas Coastal Management Program, which was organized pursuant to Section 305 of the Coastal Zone Management Act of 1972, as amended (Public Law 92-583). The Budget and Planning Office will work closely with the Texas Coastal Management Program staff to ensure that these two functions are coordinated.

.005. *Intrastate Allocation Process Requirement.*

(a) It is the intent of congress that the Coastal Energy Impact Program provide assistance where needed to assure that state and local governments with responsibilities in coastal areas have the opportunity to accommodate the energy-related development in a planned and environmentally responsible manner. The State of Texas, through the Budget and Planning Office, will ensure that Coastal Energy Impact Program assistance is allocated in a manner consistent with congressional intent. Applicants for Coastal Energy Impact Program assistance must be able to demon-

strate the consistency of their proposed project with the Texas Coastal Management Program plans and activities.

(b) Section 931.112 of the Interim Final Regulations specifies that an intrastate allocation process be developed by an eligible state and approved by the associate administrator of the Office of Coastal Zone Management. The purpose of this rulemaking is to solicit public input into the required intrastate allocation process and to describe in detail the criteria and methodologies which are proposed for allocating the annual share of Coastal Energy Impact Program Assistance available to the State of Texas.

(c) The proposed intrastate allocation process has been developed in accordance with the Interim Final Regulations for the Coastal Energy Impact Program, *Federal Register*, Volume 42, dated January 5, 1977. Since funds are limited, this intrastate allocation process has been designated so the Texas allotment of Coastal Energy Impact Program assistance can be distributed on the basis of need and utilized in the most effective manner possible.

*.006. Allocation Criteria and Procedures.* Each year the Office of Coastal Zone Management will notify the State of Texas of the amount of assistance available in each funding category. This section describes procedures, criteria, and methods which will be used by the Budget and Planning Office to allocate this assistance each year among eligible applicants within each funding category.

(a) Planning grants. (Section 308(c) of Public Law 94-370).

(1) Purpose and scope. Planning grants are available on 80 percent federal/20 percent nonfederal basis to help prepare for the consequences of new or expanded energy activity impacting the coastal zone. For example, in order to identify a suitable location for a facility, a community may have to conduct a natural resource inventory gathering important data on local physical conditions; it may have to plan for improved means of transportation to and from the facility; community development planning may be required to locate new homes and businesses to support new residents; and plans may have to be made for the location and scheduling of required new public facilities.

(2) Allocation process and formula. A priority point system will be utilized each year in determining a target funding level for planning funds on a county-by-county basis. Each project appearing on the Eligible Project Inventory List utilized by the Office of Coastal Zone Management in establishing the State of Texas allocation for each fiscal year will be rated as indicated on Chart A. After all projects on the Office of Coastal Zone Management Eligible Projects Inventory List have been rated in this format, target funding levels for each county will be established. County target funding amounts will be the sum of a base amount for each eligible county plus a proportional amount of the remaining allocation based on the ratio of points for all projects in that county to the total points for all projects in the State of Texas.

(A) Eligible applicants for planning grants. Due to limited planning funds, the size of the area to be covered, and the specific needs of high impact areas, eligible applicants will be county governments, or a designee of the county which is a political subdivision of the state and has jurisdiction within that county. In those cases where the county government does not properly apply for the targeted funds or does not designate an appropriate applicant, the Budget and

Planning Office will increase the allocations among those eligible counties which desire to participate.

(B) Evaluation of applications for planning grants. Each planning grant application will be evaluated on the basis of the applicant's:

- (i) planning capacity and experience;
- (ii) data collection capability to the extent data collection is a component of proposed planning activities;
- (iii) understanding of the impacts of the proposed project;
- (iv) capability of relating this planning effort with similar planning activities such as Housing and Urban Development "701" planning, and "208" Wastewater Treatment planning; and
- (v) development of a satisfactory work program addressing the impacts of the eligible project on the needs of the community.

Before an application can be considered, the applicant must be able to verify it currently has, or will have at the time of such grant being awarded, these capabilities either within the staff or available through a public or private organization.

(See Chart A following the text of the proposal.)

(b) Public facilities and public services. (Section 308(d)(1) and (2) and Section 308(b) of Public Law 94-370).

(1) Purposes and scope. Two types of assistance are available for public facilities and public services.

(A) Credit assistance is available in the form of direct loans or guarantees of loans or bonds for the purpose of providing new or improved public facilities and services required as a result of coastal energy activity, especially when there will be a time lag between the time a facility is needed and the time the new facility and residents are generating local revenues. Eligible applicants for credit assistance will include only units of state or local governments empowered by the Texas Constitution, state statute, or local ordinance to accept loans, bond guarantees, and other credit assistance provided through this program. Public facilities and public services which qualify for assistance under this heading include the following:

(i) Education. Day care centers; primary, secondary, and general vocational schools, including portable classrooms and temporary facilities; school equipment; libraries, including books and equipment.

(ii) Environmental protection. Facilities and equipment used to monitor or control air and water quality or noise standards or to ensure the continued viability of fish and wildlife resources.

(iii) Government administration. Facilities and equipment essential for general government administration.

(iv) Health care. Emergency medical facilities and equipment, including ambulances; clinic and hospital buildings and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities.

(v) Public safety. Detention centers, police equipment and stations, fire stations and fire-fighting equipment, fire training centers, animal control facilities and communication facilities and equipment.

(vi) Recreation. Facilities and equipment for amateur sports and performing arts, community recreational centers, local parks and playgrounds.

(vi) **Transportation.** Streets and street lighting, roads, bridges, road maintenance equipment, parking associated with public facilities, docks, air and water navigation aids, canals and navigation facilities, air terminals in remote areas, mass transit including bus and ferry systems.

(viii) **Public utilities.** Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems including drainage; water supply systems; and telephone systems.

(ix) Any service authorized by law to be provided by a state agency or unit of local government.

(B) Formula grants are available on a 100-percent federal funding basis for planning, mitigating impacts, and developing public facilities and services as a direct result of outer continental shelf-related energy facility development. These funds are the primary source of assistance for retiring state or local bonds, if any, guaranteed under Rule 006(b)(1)(A) above. Formula grant funds are also a source of assistance for carrying out projects and programs which are necessary to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer continental shelf energy activity and for which adequate financing is not available under other provisions of the Coastal Energy Impact Program. Eligible applicants for formula grants will be any state energy or local government qualified to participate in the Coastal Energy Impact Program.

(2) **Allocation process and formula.** Each application submitted for assistance in providing public facilities and public services will be evaluated by the rating formula shown on Chart B. In addition to the two following steps, assistance under this category will not be recommended for any single project in an amount which exceeds 25 percent of the total amount available to the state.

(A) Initially, a target amount of not less than five percent of the total amount available to the state will be set aside for projects within each eligible coastal county. In the case of more than one fundable project within a county, projects will be recommended for funding according to the ranking formula on Chart B.

(B) Then, the remaining portion of the state's allotment, together with target amounts not utilized, will be allocated to other fundable projects according to priority and availability of funds.

(See Chart B following the text of the proposal.)

(c) **Environmental and recreational grants.** (Section 308(d)(4) of Public Law 94-370).

(1) **Purpose and scope.** Environmental and recreational grants, available on a 100-percent federal basis, are designed to help prevent, reduce, or repair damage to or loss of valuable environmental or recreational resources due to coastal energy activity. Environmental grants may be used for impacts resulting from previous coastal energy activity which cannot be attributed to any one party. The purpose of environmental grants is to assure that coastal communities and state agencies have the opportunity to accommodate energy-related development in a planned and environmentally responsible manner. Eligible applicants for environmental and recreational grants will be any state agency or local government qualified to participate in the Coastal Energy Impact Program.

(2) **Allocation process and formula.** Applications for purposes of ameliorating impacts to environmental and recreational resources will be ranked in priority order according to the rating formula shown on Chart C. After each application is evaluated and the score determined, assistance will be recommended according to priority and availability of funds.

(See Chart C following the text of the proposal.)

.007. **Applications.** Applications will be submitted on the forms devised by the Office of Coastal Zone Management for each funding category. Application packets may be obtained from the Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701. All supplemental reports or documentation required by these and federal regulations must accompany the application. Technical assistance is available from the Budget and Planning Office to address any questions the applicant might encounter in completing the application forms or preparing associated documents.

(a) **Receipt deadline.** To be eligible for consideration, applications must be received by the Budget and Planning Office on or before the receipt deadline, as published in the *Texas Register*.

(b) **Joint applications.** Adjacent counties or municipalities, or any other eligible political subdivisions of the state, may join together and submit a joint application for any type of assistance under the Coastal Energy Impact Program.

(c) **Authorization to enter into contracts and to expend funds.** After favorable consideration and approval by the Office of Coastal Zone Management, applicants are explicitly authorized to enter into contracts and to expend funds in accordance with the purposes and provisions of this program, to the extent empowered by federal, state, or local laws and regulations.

.008. **Review Requirements.** All applications will be reviewed by the appropriate areawide clearinghouse. For state agency applications, the state clearinghouse will conduct a review as prescribed by Office of Management and Budget Circular A-95. Applications will not be accepted without evidence that the applicant has complied with these review procedures.

.009. **Notice of Allocation Recommendations.** After the Budget and Planning Office has screened all applications for accuracy and completeness and has ranked applications in accordance with procedures described herein, a recommended list of applications by funding type will be established. The Texas Coastal Management Program agency will verify compatibility and consistency with its coastal management plans and activities. As soon as this verification action is completed, notice of allocation recommendations will be published by funding type in the *Texas Register*.

.010. **Appeals Process.**

(a) **Method of appeal.** Units of local government may appeal the recommendations of the Budget and Planning Office on the basis of:

- (1) the results of allocation decision, or
- (2) whether the Budget and Planning Office complied with the intrastate allocation process described herein.

Appeals must be submitted in writing to the following address within 30 days of publication of the notice of allocation recommendations in the *Texas Register*: Office of the Gover-

nor, Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701. The Budget and Planning Office will screen all appeals, discuss with the appellant the basis for its actions, and, whenever possible, reconcile differences. Appeals which cannot be resolved through direct discussions with the appellant will be referred to an appeals board.

(b) Composition of appeals board. An appeals board will be constituted by the governor or his designee to hear all unresolved appeals and will be composed of one member from the Budget and Planning Office and two members from the Citizens Advisory Committee to the Natural Resources Council. At least one of the citizen members must be from a coastal county.

(c) Appeals consideration process. The board will convene at a mutually convenient time, but not later than 15 days after the date appeals may be accepted. All applications being appealed, together with supporting documentation and rating scores, will be made available to the appeals board. The board may also, at its own discretion, request additional evidence or exhibits relevant to the appeal. A formal record of the appeals board hearing will be produced. The appeals board will render a written decision on each appeal and that decision will be referred to the Budget and Planning Office. In accordance with provisions of federal regulations (*Federal*

*Register*, January 5, 1977, Section 931.114) a unit of local government may appeal to the associate administrator for Coastal Zone Management to determine whether the Budget and Planning Office complied with this intrastate allocation process. An appeal to the associate administrator must be made within 30 days after the unit of local government has exhausted the appeals procedure described herein.

.011. *Submission of Applications to the Office of Coastal Zone Management.* After the intrastate allocation process, as described herein, has been completed and all appeals resolved, the recommended allocation list by funding category, along with approved applications, will be submitted to the Office of Coastal Zone Management for provision of federal financial assistance.

Issued in Austin, Texas, on January 26, 1978.

Doc. No. 780663 Roy Hogan, Assistant Director  
Budget and Planning Office  
Office of the Governor

Proposed Date of Adoption: March 9, 1978

For further information, please call (512) 475-6283.

### CHART A Planning Grants

County \_\_\_\_\_

Facility \_\_\_\_\_

	<u>Weight</u>		<u>Points Assigned</u>
IMMEDIACY OF IMPACTS	25	<b>TIMING OF FACILITY APPROVAL AND CONSTRUCTION</b> Approval _____ Construction _____ Completion _____	
		Construction underway <span style="border: 1px solid black; padding: 2px;">25</span> Completion within next fiscal year <span style="border: 1px solid black; padding: 2px;">20</span> Approval within current fiscal year <span style="border: 1px solid black; padding: 2px;">15</span> Approval within next fiscal year <span style="border: 1px solid black; padding: 2px;">10</span> Project in preliminary planning <span style="border: 1px solid black; padding: 2px;">5</span>	
SEVERITY OF IMPACTS	50	<b>PLANNING NEEDS FACTORS*</b> $(PCE + POE) \times \left( N + \left[ \frac{S + PD}{2} \right] \right)$ $\left( \underline{\quad} + \underline{\quad} \right) \times \left( \underline{\quad} + \left[ \frac{\underline{\quad} + \underline{\quad}}{2} \right] \right) = \underline{\quad}$	

Where PCE = Peak Construction Employment  
 POE = Peak Operating Employment  
 N = Environment Factor  
 S = Safety Factor  
 PD = Population Density Code

\*from Office of Coastal Zone Management Eligible Project Inventory List

Under 1,000	score =	1	point for each 100 score
1,000 - 2,999	score =	10	points for each 1,000 score plus 1 point for each 200 score over 1,000
3,000 - 5,999	score =	20	points for each 3,000 score plus 1 point for each 300 score over 3,000
6,000 - 9,999	score =	30	points for each 6,000 score plus 1 point for each 400 score over 6,000
10,000 - 14,999	score =	40	points for each 10,000 score plus 1 point for each 500 score over 10,000
15,000+	score =	50	points

PROTECTION OF THE ENVIRONMENT 25

ENVIRONMENTAL CHARACTERISTICS OF FACILITY  
N =

If N = 3 score = 25  
If N = 2 score = 15  
If N = 1 score = 5

Values for N are taken from the OCZM Eligible Project Inventory List.

TOTAL POINTS

CHART B  
Public Facilities and Public Services

Applicant \_\_\_\_\_

Project \_\_\_\_\_

Points Assigned

I. Immediacy of Energy Facility Impacts

Operation begins within one year	20
Operation begins within one to two years	15
Construction begins within one year	10
Construction begins within one to two years	5

Date of start of construction/operation \_\_\_\_\_

II. Severity of Energy Facility Impacts

Construction Population = \_\_\_\_\_ or Operation Population = \_\_\_\_\_  
Base Population Base Population

5 points per 1% population increase = \_\_\_\_\_

III. Fiscal Capacity of Applicant

Local Tax Effort:

General Purpose Governments:  $\frac{\text{Adjusted Taxes}}{\text{Aggregate Personal Income}} = \text{---}\%$

2 points per 1/2% and major fraction of tax effort

School Districts:  $\frac{\text{Tax Levy}}{\text{Full Market Value}} \times 100 = \text{---}$

1 point per each 15¢ effective tax rate

Special Purpose Districts - No Points

Points Assigned

IV. Consistency of Proposed Project with Other Plans

Fully consistent with CZM Program	5	
Generally consistent with CZM Program	2	
. . . . . PLUS . . . . .		
Fully consistent with Regional Plans	5	
Generally consistent with Regional Plans	2	

V. Impact of Proposed Project on the Environment

Minimum impact on the environment	20	
Moderate impact on the environment	10	
Major impact on the environment	0	

VI. Additional Factors

Feasibility of Project Financial Plan	--	0 to 10 points
Appropriateness of Project	--	0 to 10 points

TOTAL POINTS

**Definitions**

**Construction population.** New employment and related new population because of construction force (as provided by Office of Coastal Zone Management in annual allotment to State of Texas for credit assistance).

**Operation population.** New employment and related new population because of operating force (as provided by Office of Coastal Zone Management in annual allotment to State of Texas for credit assistance).

**Base population.** Population of the community or political jurisdiction before energy activity or construction of an energy facility construction. (Source will be most recent U.S. Bureau of Census data).

**Aggregate personal income.** Total income of individuals residing within jurisdiction of general purpose local government submitting application (as determined by Office of Revenue Sharing, U.S. Department of Treasury).



Adjusted taxes. Total taxes levied by general purpose local government submitting application, excluding school taxes (as determined by Office of Revenue Sharing, U.S. Department of the Treasury).

Tax levy. Current total tax rate multiplied by assessed valuation (from official budgets as submitted to the Texas Education Agency).

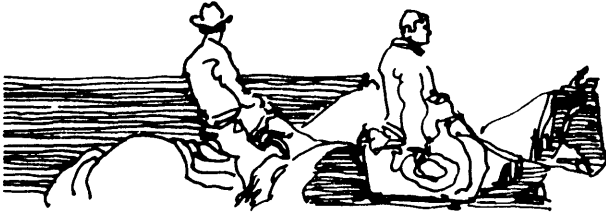
Full market value. Full market value of taxable property (as determined by the Governor's Office of Education Resources for the 1975-1976 school year and adopted by the 65th Legislature, in conjunction with agricultural use values, as the index for determining local shares of the Foundation School Program).

CHART C  
Environmental and Recreational Grants

Project \_\_\_\_\_

Facility \_\_\_\_\_

	<u>Weight</u>		<u>Points Assigned</u>
IMMEDIACY OF IMPACTS	30	TIMING OF ENVIRONMENTAL OR RECREATIONAL LOSS	
		Start of Construction of Facility _____	
		Loss imminent: Facility underway	30
		Loss imminent: Facility approved	25
		Loss occurred: Project designed to reduce or ameliorate effects	15
Potential loss if facility approved	5		
SEVERITY OF IMPACTS	30	CHARACTERISTICS OF THE RESOURCE	
		Based on CZM Program Inventory _____	
		Designated wetlands	20
		Other areas of particular concern	20
		Important animal and plant areas	15
		Areas in their natural state	10
		. . . . . PLUS . . . . .	
Large area or usage	10		
Medium area or usage	6		
Small area or usage	2		
FISCAL CAPACITY OF APPLICANT	10	FUNDING AVAILABILITY	
		Based on Project Application	
		Funding unavailable	10
Partial funding available	5		
PROTECTION OF THE ENVIRONMENT	30	VALUE OF THE RESOURCE COMMENSURATE WITH COST	
		Based on Environmental Impact Assessment	
		Value is high compared to cost	30
		Value exceeds cost of the project	20
Value and cost in general balance	10		
<b>TOTAL POINTS</b>			



## Texas Department of Health Texas Board of Health Procedures and Policies 301.01.01

In November, 1975, the Texas Board of Health Resources (now the Texas Board of Health) adopted rules to govern its own procedures and to set policies of the board. These rules are being amended to conform to changes made by the 65th Texas Legislature and to add or clarify certain policies of the board.

Those amendments which are made to conform to actions of the 65th Texas Legislature are as follows:

(1) Change the title of the Texas Board of Health Resources to the Texas Board of Health throughout the document.

(2) Change the title of the Texas Department of Health Resources to the Texas Department of Health throughout the document.

(3) Change the title of the executive officer from director to commissioner and the title of the deputy directors to deputy commissioners throughout the document.

(4) Rule .007(a) is amended to allow the board to hold regular meetings in places other than Austin.

(5) Rule .010 no longer requires the commissioner to seek the advice of the Tuberculosis Advisory Committee when appointing chest hospital superintendents or the bureau chief of Tuberculosis Services. The Tuberculosis Advisory Committee was abolished by the 65th Legislature.

Other amendments to the board's rules for Procedures and Policies include:

(1) Rule .003(a) changes the term of the secretary from two years to one year, expiring each January.

(2) Rule .003(a) will be further amended to give the executive committee the power to act for the board subject to approval by the full board at its next meeting. This has been the policy of the board but now is being added to the written policy.

(3) Rule .006(a)(1) has been amended to strengthen the board's position that it shall conduct business of the department through the commissioner and shall not give directives to other staff members.

(4) Rule .006(a)(1) will be further amended by adding that individual members will not make statements to the general public and imply that these statements are opinions or policies of the board.

(5) Rule .009(e) is amended to no longer require board approval of expenditures in excess of \$50,000 for construction

projects. The board will have approved plans for construction projects prior to making expenditures.

The commissioner of health has determined that these amendments will have no fiscal impact on the state or units of local government.

Comments or questions regarding these amendments should be made to Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

These rules are proposed under the authority of Article 4418d, Texas Civil Statutes.

### .003. Organization.

(a) Officers generally. The governor biennially designates one member as chairman and one member as vice chairman. The board will elect one member to serve as secretary for a one-year term expiring in January of each year [to serve for a term of two years]. The chairman, vice chairman, and secretary will comprise the executive committee of the board.

*The executive committee has the power to act for the board, although actions taken by that committee shall be subject to review and approval by the full board at its next meeting.*

### .006. Board Policies.

#### (a) Policy goals.

(1) The board conducts all business of the department through the **commissioner** [director]. Standing and special committees of the board are working extensions of the board. In keeping with the spirit of this policy, individual members when contacting department staff *shall* [should] refrain from giving directives or establishing policy. All department staff personnel are to be advised of this policy.

*When making statements to the general public concerning matters under the jurisdiction of the board, individual members shall not state or imply that the individual member's opinion necessarily represents the opinion or policy of the board.*

### .007. Board Meetings.

(a) Regular meetings of the board. The board shall meet in Austin or other places fixed by the board at least once each month on dates to be fixed by the board.

### .009. Actions Requiring Board Approval.

(e) Expenditures of over \$50,000. Any expenditure in excess of \$50,000 for [construction projects or] purchases of major items of equipment shall be approved by the board.

.010. *Chest Hospitals.* The custody, control, maintenance, and operation of all chest hospitals maintained by the State of Texas shall be under the jurisdiction and control of the board. The superintendent of each state chest hospital and the chief of Bureau of Tuberculosis Services will be appointed by the **commissioner** [director] with [the advice of the Tuberculosis Advisory Committee and] approval of the board.

Issued in Austin, Texas, on January 26, 1978.

Doc. No. 780695

Raymond T. Moore, M.D.  
Deputy Commissioner  
Texas Department of Health

Proposed Date of Adoption: March meeting of state board  
For further information, please call (512) 458-7488.

# Texas Department of Human Resources

## Purchased Health Services

### Medicaid Family Planning Program 326.36.03

The Department of Human Resources proposes to amend its rule about additional claim information requirements in the Medicaid Family Planning Program. Rule 326.36.03.003(e) is being amended to incorporate certain requirements when filing claims for sterilization. The amendment to Section (e) of the rule requires that a valid consent form accompany all claims. For nontherapeutic sterilization, the time of surgery must be documented to ensure that a period of at least 72 hours has elapsed between time of consent and time of surgery.

The department has determined that the proposed amendment will have no fiscal implications for the state or units of local government. The amendment involves only procedural changes concerning documentation.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau—052, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this Register.

This amendment is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.003. *Additional Claim Information Requirements.* In addition to the general requirements in Rule 326.36.01.002, the following information is required on claims from family planning services:

(e) For sterilization, date of consent and a valid consent form as defined in Rule 326.36.03.004. For nontherapeutic sterilization surgery, the exact time the surgery is performed must be documented on the appropriate claim form.

Doc. No. 780708

### Medicaid Chiropractic Program 326.36.05

The Department of Human Resources proposes to amend its rule about authorized chiropractic services in the Medicaid Chiropractic Program. The amendment more correctly describes the benefit period for this type of service and deletes reference to specific dates. The dates now specified in the rule refer to the department's fiscal year; the proposed amendment defines benefit period as a 12-consecutive-month period beginning with the initial treatment.

The department has determined that the proposed amendment will have no fiscal implication for the state or units of local government. The amendment involves procedural changes only and will require no additional funds.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau—051, Department of Human Resources, John H. Reagan

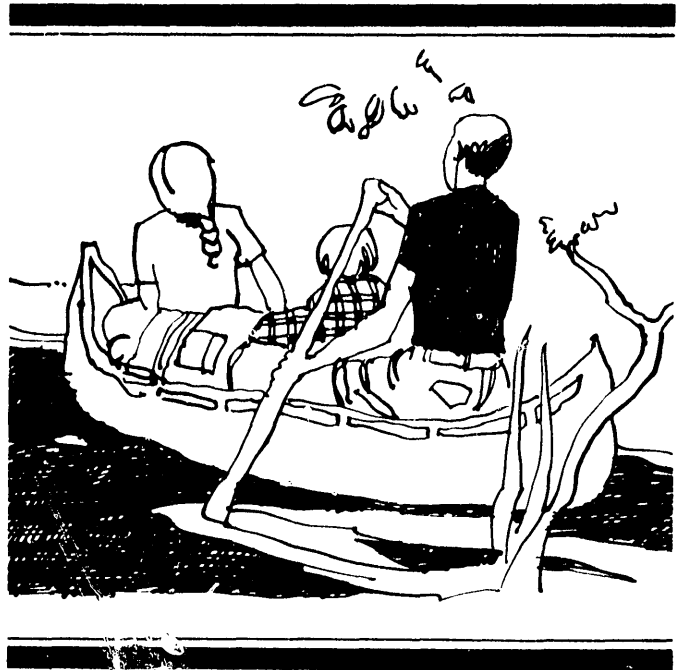
Building, Austin, Texas 78701, within 30 days of publication in this Register.

This amendment is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

#### .004. *Authorized Chiropractic Services.*

(a) Chiropractic services include those services provided by a doctor of chiropractic and which are within the scope of practice of his profession as defined by state law. Benefits are limited to services which consist of necessary treatment or correction by means of manual manipulation of the spine, by use of hands only, to correct a subluxation demonstrated by x-ray to exist to the same extent that such benefits are provided under Part B of Medicare. Benefits are available under this rule only for services which are provided during the first 24 visits to any one eligible recipient by a doctor of chiropractic during any one benefit period. Benefit period for purposes of this rule means a 12-consecutive-month period which begins with the month of the first treatment [the 12 consecutive monthly periods beginning September 1 and ending August 31 each year].

Doc. No. 780709



## Adult Denture Program

### Program Benefits 326.41.03

The Texas Department of Human Resources proposes to amend its rules concerning program benefits in the Adult Denture Program. This program is administered by the department which has contracted with the Texas Department of Health to act as the agent for delivery of the Title XIX Adult Denture Program benefits. The following amendments are proposed in order to remove the restriction regarding mouth preparation for dentures and to add this service to the benefits of the program.

The department has determined that the proposed amendments will have no fiscal implication for the state or units of local government. Through the prior authorization mechanism of the program, the number of recipients is controlled so that appropriations will not be exceeded.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau—041, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication in this *Register*.

These amendments are proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

*.001. Scope of Services.*

(c) **Certain examination and mouth preparation procedures necessary to prepare the mouth to accept dentures.**

*.003. Exclusions.*

(b) [No payment will be made for preparation of the mouth to accept dentures.

(c) No additional payment is allowable for recalls or office visits for denture adjustments.

Issued in Austin, Texas on January 30, 1978.

Doc. No. 780710 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: March 9, 1978

For further information, please call (512) 475-4601.

## Railroad Commission of Texas Transportation Division Motor Bus Companies 051.03.13

The Railroad Commission of Texas is proposing to amend Regulation 051.03.13.039, which prescribes provisions relating to the extension of credit by motor bus companies. The proposed amendment would add Section (b), which would allow motor bus companies to extend credit to customers domiciled outside the continental limits of the United States for a period not to exceed 60 days from the date the transportation service was provided. It appears that a few customers domiciled outside the United States need this additional amount of time in order to timely process and transmit payment for transportation service performed.

Pursuant to Section 5(a)(4) of Article 6252-13a, Texas Civil Statutes, the Transportation Division estimates that there will be no cost to the state or to any unit of local government of the state in administering or enforcing this rule.

Public comment on the proposed amendment to Regulation 051.03.13.039 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted until March 1, 1978.

This amendment to Regulation 051.03.13.039 is proposed under the authority of Section 4(a) of Article 911a, Texas Civil Statutes.

*.039. Credit Extended for Transportation*

(b) **Motor bus companies may extend credit to customers domiciled outside the continental limits of the United States for a period not to exceed 60 days from the date the transportation service was provided.**

Issued in Austin, Texas on January 27, 1978.

Doc. No. 780731 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: March 13, 1978

For further information, please call (512) 475-3208.

## Teacher Retirement System of Texas Membership Credit Purchase of Credit for Out-of-State Service 334.03.07

The Teacher Retirement System of Texas is proposing to amend Rule 334.03.07.001, relating to employment eligible for out-of-state service credit. The rule is reworded to clarify the intent of the phrase "maintained . . . for the children of United States citizens" which appears in Section 3.26(a) of the Texas Education Code. This phrase was originally added to describe the type of educational institutions maintained by the United States government which were to be covered by the TRS provisions for out-of-state service credit. The schools in this category are those overseas schools maintained for the dependents of United States citizens and schools within the United States in areas impacted by federal programs under federal jurisdiction where state and local governments have not provided adequate educational facilities. Further the word "supported" is changed to the statutory term "maintained" to avoid giving credit for service in educational systems based only upon the existence of some government financial aid to the school. The reference to "teacher" and "auxiliary employee" is removed since those terms have been removed from the statutes which govern TRS benefits. Several TRS members have a combination of Texas service and out-of-state service in the same school year that exceeds the minimum length of service required by TRS rules for a year of credit but have been unable to obtain creditable service because neither the Texas service nor the out-of-state service above satisfies that minimum length of service requirement for a year of credit. The proposed amendment would permit the service to be combined for the purpose of qualifying to purchase out-of-state credit for that year as long as the deposits for the Texas service are in the member's account. However, a member with enough Texas service in a school year to establish a year of normal membership service credit cannot establish out-of-state credit for that year.

This proposed rule has no fiscal implications. (Source: Teacher Retirement System staff.)

Public comment on the proposed amendment to Rule 334.03.07.001 is invited. Persons should submit their comments in writing to Leonard Prewitt, Executive Secretary, Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701.

The amendment to Rule 334.03.07.001 is proposed under the authority of Section 3.59, Texas Education Code.

**.001. Out-of-State Service Eligible for Credit** *(Service Which is Eligible)*. A member may obtain out-of-state service credit for qualified employment in public educational institutions which are maintained in whole or in part by one of the states in the United States of America; by a commonwealth, territory, or possession of the United States of America; or by the United States government. Public educational institutions of the United States government must have been maintained for the primary purpose of educating the children of United States citizens either in foreign countries or in locations within the United States where state and local government have not provided public educational facilities. The service in eligible institutions must satisfy the requirements for membership in the Teacher Retirement System of Texas, except for the requirement that the employment be in Texas. Further, the service must have been for at least four and one-half months of the school year, except that a member may satisfy this requirement by combining the

*out-of-state service with employment in the Texas public schools that occurred in the same school year and for which deposits are maintained in the member's account. A member eligible to establish normal membership service credit for a school year may not obtain out-of-state credit for that year.*

(a) Must be in a public school, college, or university for children of United States citizens. The school must be supported in whole or in part by either:

- (1) one of the United States,
- (2) a territory of the United States, or
- (3) the government of the United States.

(b) Job description. Must include all of the following:

- (1) full-time,
- (2) regular salaried position,
- (3) at least four and one-half months in school year,

with

- (4) duties either as a teacher or auxiliary employee.]

Issued in Austin, Texas on January 31, 1978.

Doc. No. 780739

Leonard Prewitt  
Executive Secretary  
Teacher Retirement System

Proposed Date of Adoption: March 10, 1978

For further information, please call (512) 477-9711, ext. 214.

# ADOPTED RULES

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An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

## Comptroller of Public Accounts

### Minerals Tax Division—Natural Gas Taxes 026.02.03

Since this rule was promulgated, the Federal Power Commission has been redesignated the Department of Energy. The rule has been modified to reflect this change.

Under the authority of Texas Taxation—General Annotated, Article 3.06 (1969), the Comptroller of Public Accounts has adopted Rule 026.02.03.008 to read as follows:

*.008. Tax Reimbursement Included in Department of Energy Rates—Texas Taxation—General Annotated, Article 3.06 (1969).*

The taxable value of gas being sold at rates prescribed by the Department of Energy, which includes 100 percent reimbursement for the Texas gas occupation tax, shall be determined in the following manner:  
taxable value  $T - C / 1 + R$  where:

- T the total rate being received
- C marketing costs being deducted for tax purposes
- R effective tax rate

In the event a producer or first purchaser (generally a gas plant processor) sells gas to a third party at a rate which does not include the Texas occupation tax adjustment, the taxable value shall be determined by using the formula T-C.

Doc. No. 780763

## Ad Valorem Tax Division 026.02.16

Under the authority of Texas Revised Civil Statutes Annotated, Article 7210 (1960), the Comptroller of Public Accounts has adopted Rule 026.02.16.026 to read as follows:

*.026. Comptroller's Concurrence of Market Value Determinations for Urban Renewal Projects.* For purposes of tax increment financing, a tax assessor-collector's determination of the market value of property within an urban renewal project must receive concurrence from the Comptroller of Public Accounts. Prior to concurring, the comptroller may require the tax assessor-collector's determination to be substantiated by an independent appraisal or concurrence by an individual designated as a professional appraiser by a recognized real estate appraisal association. If an independent appraisal or concurrence is requested, the independent appraisal or concurrence, which must be timely and specify the property rights being appraised, shall be furnished and paid for by the tax assessor-collector.

Issued in Austin, Texas, on February 1, 1978.

Doc. No. 780765      Bob Bullock  
Comptroller of Public Accounts

Effective Date: February 21, 1978

For further information, please call (512) 475-4166.

## Texas Education Agency Regional Education Service Centers Administration and Operation of Regional Education Service Centers 226.21.02

The Texas Education Agency has amended Rule 226.21.02.012, concerning working arrangements between the Texas Education Agency and the 20 regional education service centers.

Under the new regulations, commitments of staff or physical resources must be agreed to by the education service center executive director and the appropriate Texas Education Agency associate commissioner or his or her designated representative. Procedures for requests for the services and vice versa are set out. Written confirmation must follow all telephone requests.

Coverage of section (8) of the rule is broadened to include all funded cooperative arrangements funded by either formula or discretionary funds, and structured either by a statewide design or by a contract.

The list of cooperative programs between service centers and the Texas Education Agency is amended to include programs not previously listed, such as Project CITE, the School Bus Driver Training Program, and Child Find. Items in the rule have also been rearranged and renumbered.

Public review and discussion of the proposed changes were held. The rules are adopted with no change from the text proposed.

This rule is promulgated under the authority of Sections 11.32 and 11.33, Texas Education Code.

*.012. Working Arrangements Between the Agency and Education Service Centers.*

(a) Policy. The Commissioner of Education shall establish guidelines for working arrangements between the agency and the education service centers.

(b) Administrative procedure. The guidelines for working arrangements, both those covered by formal contracts and those covered by informal agreements, between the Texas Education Agency and education service centers are as follows:

(1) The Texas Education Agency and education service centers share responsibility for providing certain identified services and functions. Ideas for additional services conceived by any institution participating in the service center are developed and presented to both the Texas Education Agency and education service center planning groups for reaction or approval.

(2) Texas Education Agency's areas of concern and plans for action for regional implementation are presented to the Texas Elementary and Secondary School Planning Council.

(3) Currently, cooperative programs between education service centers and the Texas Education Agency, include but are not limited to, the following:

- Texas Regional Resource Center
- Diffusion of experienced-based career education
- State Plan A—impact conferences (career education)
- Texas System for Incremental Quality Increase (career education)
- Demonstration schools in individualized instruction network
- Texas Diffusion Network
- Project CITE (Coordinating Information for Texas Educators)
- Driver education
- Regional day school program for the deaf
- Right to Read
- Adult education
- Texas Regional Leadership Clusters Project for the Gifted and Talented
- School Bus Driver Training Program
- Title I Migrant
- Crime prevention and drug education
- Special education personnel development
- Texas System of Special Education Instructional Materials Center
- Child Find
- Educational Personnel Development (EPD) Consortium
- Bilingual education workshops for school administrators
- Education service centers student services
- Technical assistance, Title IV-B and Title IV-C
- Sample textbook display
- School accreditation assistance

(4) Cooperative arrangements usually address statewide needs; however, the arrangements provide latitude for addressing specific or unique regional needs.

(5) Commitments of staff time and/or physical resources are agreed to by the education service center executive director and the appropriate Texas Education Agency associate commissioner or his or her designated representative. Whenever discretionary funds are transferred from the

agency to an education service center, the contract must be signed by the executive director of the education service center and the commissioner of education or designated representative.

(6) Requests for the services of education service center personnel by Texas Education Agency personnel are agreed to by the Texas Education Agency associate commissioner or his or her designated representative and the education service center executive director or his or her designated representative. Written confirmation shall follow all telephone requests.

(7) Requests for the services of Texas Education Agency personnel by the education service center personnel are agreed to by the education service center executive director or his or her designated representative, and the appropriate Texas Education Agency associate commissioner or his or her designated representative. Written confirmation shall follow all telephone requests.

(8) Funded cooperative arrangements, supported by either formula or discretionary funds, involving personnel include the following prerequisites:

(A) The education service center is held responsible for performance in accordance with a written statewide design or contract.

(B) Personnel selection criteria are jointly agreed upon by the education service center and the Texas Education Agency. Personnel compensation, travel allowances, and fringe benefits are commensurate with those of other personnel having similar functions in the education service center.

(C) Personnel are selected, employed by, and responsible to the administration of the education service center.

(D) Each funded cooperative arrangement (statewide design, letters of approval, contracts, budget approvals, program guidelines) identifies tasks to be performed in accordance with funding agent's program guidelines.

(E) The education service center is held responsible for function and outcomes as outlined by specifications of statewide designs of specific contracts.

(F) Cooperative arrangement responsibilities are evaluated and reviewed periodically.

(9) Requests for assistance by a local education agency received in the Texas Education Agency offices that, in the judgment of the associate commissioner, can and should be handled at the regional level are directed to the education service center executive director.

(10) Requests for assistance by a local education agency received by the education service center that need the attention of the Texas Education Agency are directed to the appropriate associate commissioner.

Doc. No. 780735

## Subjects in Which Textbooks are Adopted and Provided 226.33.33

The Texas Education Agency has amended Rule 226.33.33.010, which contains the lists of subjects in which textbooks may be adopted for the elementary grades and for high school. Senate Bill 1, 65th Legislature, Special Session, amended Sections 12.14 and 12.15 of the Texas Education

Code to include provision for the adoption by the State Board of Education of "learning systems" as well as certain supplementary materials to be used in conjunction with specific adopted textbooks. The change in Rule 226.33.33.010 reflects this change in the law. The amendment also adds aerospace-aviation education and fundamentals of the free enterprise system to the list of subjects for high school textbooks.

Public review and discussion of the proposed rule were held. The rule is adopted with no change from the text proposed.

This rule amendment is proposed under the authority of the Texas Education Code, Sections 12.01, 12.14, and 12.15.

#### .010. Lists of Subjects.

(a) Policy. Multiple lists consisting of not less than three nor more than five textbooks in a subject shall be adopted by the State Board of Education. Fewer than three textbooks may be adopted where fewer suitable books are offered for adoption.

Multiple lists consisting of not less than two nor more than three learning systems in a subject may be adopted by the State Board of Education. Multiple lists of supplementary instructional materials which are an adjunct to textbooks on the multiple list may be adopted by the State Board of Education.

The subjects in which textbooks shall, and learning systems and supplementary instructional materials may be provided are:

(1) Elementary grades (1-8): spelling, reading (basal and supplementary), English language and grammar, social studies (geography), arithmetic (mathematics), health (physiology-hygiene), vocal music, elementary science, American history and citizenship (in which the Confederacy shall be fairly represented when relative to the topic), Texas history and geography, handwriting, civil government, foreign languages, industrial arts shop, homemaking, agriculture, literature, art, band, orchestra, beginning typewriting, driver education and traffic safety, elementary and secondary dictionaries, and other subjects recommended by the commissioner of education and approved by the State Board of Education.

(2) High school: algebra, geometry, trigonometry, elementary analysis, analytic geometry, calculus, probability and statistics, computer mathematics, fundamentals of mathematics, physical science, biology, physics, chemistry, world history studies, American history, economics, advanced Texas studies, homemaking, world geography studies, driver education and traffic safety, choral music, English composition, speech, mathematics of consumer economics, literature (including American and English literature), shop courses, physiology, agriculture, civil government, business arithmetic, health education, business education, business law, bookkeeping, shorthand, journalism, foreign languages (Czech, French, German, Latin, and Spanish), art, band, orchestra, drama, typewriting, industrial arts, vocational industrial education, distributive education, English and secondary dictionaries, sociology, psychology, aerospace-aviation education, fundamentals of the free enterprise system, and other courses recommended by the State Commission on School Accreditation, recommended by the commissioner of education, and approved by the State Board of Education.

#### (b) Administrative procedure.

(1) Elementary grades (1-8). The commissioner of education annually recommends any additional approved subjects for which evidence of need is shown or anticipated and appropriate materials are available.

(2) High school. The commissioner of education annually recommends any new courses recommended by the State Commission on School Accreditation for which evidence of need is shown or anticipated and appropriate materials are available.

Doc. No. 780685

## Process for State Adoption of Textbooks 226.33.34

The Texas Education Agency has amended Rules 226.33.34.040, .066, and .070., concerning the state textbook adoption process. The amendment to Rule .040 requires that the schedule of state textbook adoption procedures be published in the agenda of the meeting at which the textbook proclamation is to be adopted, rather than at the May meeting of the board. The amendment to Rule .066 requires that the procedures governing hearings and appeals on textbook protests be included in the agenda of the State Board of Education meeting at which the textbook proclamation is adopted, rather than at the May meeting of the board. Only the administrative procedure section of Rule .066 is changed. The rest of the rule remains unchanged. The amendment to Rule .070 reflects the new provisions of the Texas Education Code, Sections 12.14 and 12.15, concerning the adoption of learning systems. The cost per pupil served of learning systems and supplemental materials must not exceed the cost per pupil served of the most expensive textbook on the textbook multiple list. The administrative procedure section of Rule .070 requires the commissioner of education to submit a "cost per pupil served" for each textbook on the recommended list.

Public review and discussion of the proposed rules were held. The rules are adopted with one change from the text proposed. The administrative procedure section of Rule .070 has been amended to include the requirement that the commissioner of education submit with his textbook recommendations the "cost per pupil served" for each textbook on the recommended list.

These rule amendments are adopted under the authority of the Texas Education Code, Sections 12.11 through 12.15.

#### .040. Schedule of State Textbook Adoption Procedures.

(a) Policy. At a meeting specified by the State Board of Education, the board shall adopt, along with the proclamation, a schedule of textbook adoption procedures for the ensuing year. The schedule shall include specified dates; responsibilities, including those of the textbook publishers; and regulations in accordance with law and State Board of Education policies and administrative procedures.

(b) Administrative procedure. The Schedule of State Textbook Adoption Procedures is printed in the official agenda of the meeting of the State Board of Education at which the textbook proclamation is to be adopted.



**.066. Procedures Governing Hearings and Appeals on Textbook Protests and Complaints.**

(b) Administrative procedure. The procedures governing hearings and appeals on textbook protests and complaints are included in the official agenda of the meeting of the State Board of Education at which the textbook proclamation is to be adopted.

**.070. Recommendations of Textbooks for State Adoption by the Commissioner of Education.**

(a) Policy. The commissioner of education, in his consideration of the books listed by the State Textbook Committee which have been protested, shall give full consideration to the petitioners' bills of particulars, the publishers' answers, the record of the hearing before the commissioner, and the record of the special meeting of the State Textbook Committee.

The commissioner of education shall submit with his recommendations the cost per pupil served for each textbook on the recommended list. The cost per pupil shall be determined by the cost of a textbook, learning system, or combination of text and supplementary instructional materials, divided by the number of students that it may reasonably be used by and the number of years it may be expected to be in use. No district may utilize a textbook, learning system, or combination of text and supplementary materials at a higher cost per pupil served than that specified by the commissioner.

The commissioner of education shall submit to the State Board of Education the list of textbooks he has received from the State Textbook Committee, together with a report of those textbooks which he has deleted. He shall not place on the list any textbooks not recommended by the committee, nor shall he reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the committee. He shall also inform the board of changes, corrections, deletions, substitutions, and additions to the textbooks which publishers will be asked to make before purchase by the state.

The commissioner of education may remove any textbook from the committee's list for any of the following reasons:

- (1) prices are much higher than average in the subject;
- (2) manufacturing quality is below specifications;
- (3) content material is unsatisfactory;
- (4) textbooks are from a publisher who refuses to rebid his textbooks;
- (5) textbooks are from a publisher unwilling or unable to make the changes recommended by the commissioner;
- (6) in his judgment, textbooks are unsuitable for adoption; and
- (7) textbooks, learning systems, or a combination of textbooks and supplementary instructional materials which bear a higher cost per pupil served than that specified by the commissioner of education.

As soon as it is available, a copy of the official report of the commissioner of education on textbooks shall be sent to the State Board of Education, the petitioners, and publishers.

(b) Administrative procedure. The commissioner of education, upon finding a book subject to removal from the committee's recommended list, confers with the publisher to determine if adjustment or changes can be made to avoid its removal.

In the event that a book from the list of five books in each adoption category recommended by the committee is removed by action of the commissioner or the State Board of Education, the book ranked next in order of preference by the committee on the alternate list shall be placed on the recommended list of five books in that adoption category.

The commissioner prepares a list of changes which the publisher is asked to make in a book. This list is transmitted to the State Board of Education, the publisher making the changes, the regional education service centers, and other persons, such as Braillists, needing immediate access to such information. The commissioner of education shall submit with his recommendations the "cost per pupil served" for each textbook on the recommended list. This cost per pupil shall be determined by the cost of a textbook, learning system, or combination of textbook and supplementary materials, divided by the number of students that it may reasonably be used by and by the number of years it may be expected to be in use.

Issued in Austin, Texas, on January 27, 1977.

Doc. No. 780686

M. L. Brockette  
Commissioner of Education

Effective Date: February 16, 1978

For further information, please call (512) 475-7077.

## Transportation Administration 226.34.65

The Texas Education Agency has amended Rule 226.34.65.010, concerning the administration of pupil transportation services. Section (5) of the administrative procedure portion of the rule is changed and Section (6) is added. No other sections of the rule are changed.

House Bill 884, 65th Legislature, amended Section 16.204 of the Texas Education Code to permit school districts to contract with governmental agencies or nonprofit organizations for the use of school buses for the transportation of senior citizens or handicapped persons. The change in Section (e) of Rule 226.34.65.010 is for the purpose of implementing this legislation.

Senate Bill 1, 65th Legislature, Special Session, amended Section 16.206 of the Texas Education Code, which now requires the commissioner of education to make a study to determine the actual cost of regular transportation for the 1977-78 and 1978-79 school years. The commissioner of education must designate one day per month on which each district shall report the actual number of eligible students transported and the total route miles of operation required to transport the students. Districts may also be required to furnish other necessary reports or information for purposes of this study.

Public review and discussion of the proposed change were held. This rule is adopted with one change from the text proposed. Subsection 6(c) should begin "The noon-day kindergarten transportation program. . . ."

This rule is promulgated under the authority of Sections 16.63, 16.201-16.211, and 21.161-21.172, Texas Education Code; Section 5(a), Article 66876, Vernon's Texas Civil

Statutes (State Uniform Act Regulating Traffic on Highways); and Title 29, Labor Standards, Chapter XIII, Part 1500.52(E), (Hazardous Occupations Order No. 2).

*.010. Procedures for the Administration of Pupil Transportation Services.*

(b) Administrative procedure.

(5) Use of buses. Regulations for the use of buses are as follows:

(A) Vehicles owned, operated, or maintained in whole or in part with Foundation School Program funds are limited to the transportation of children who are enrolled in and attending public free schools of Texas, and teachers and other personnel employed by school districts except as provided in Section (B) below. State funds are not provided to any school district or county that fails to recognize these limitations.

(i) The use of school buses for school-sponsored extracurricular activities and field trips, including 4-H Club activities when approved by the board of school trustees, is considered a part of the regular school program. The unit concerned, either the county or the district, shall establish appropriate regulations for the use of school buses for extracurricular activities and field trips. Such regulations must be in written form and are subject to review and approval by the commissioner of education. A copy of the regulations must be available when transportation audits are conducted by members of the Texas Education Agency field audit staff. The regulations shall include a provision for reimbursing the district or county transportation fund for the cost of extracurricular and field trip travel. The reimbursement rate must be based on the actual cost per mile, including bus depreciation, for the operation of the regular school buses in the county or district. A trip ticket should be used in connection with each bus for each date the bus is used for such travel.

(ii) Provided, however, the cost of extracurricular and field trip travel or a portion thereof may be paid from the appropriated district allocation in the county or district transportation fund under the following conditions:

(a-a) The district allocation in the respective transportation fund, county or district, has an unencumbered balance as of August 31 of any school year after all the operational costs and school bus purchase payments which are due for the year have been paid.

(a-b) Where all school buses used on regular school bus routes are fully paid for, there shall be set up a reserve fund for the replacement of equipment based on current replacement costs and the life expectancy of presently owned school buses. The amount set aside for said school bus purchase reserve fund shall be considered encumbered and not a part of the free balance available as of August 31.

(a-c) The unencumbered or free balance available to each district in the county or district transportation fund as of August 31 may be used to defray the cost of all or a part of extracurricular or field trip school bus travel for the following school year. State transportation funds received during a school year may not be used for such extracurricular or field trip travel during that year.

(a-d) The use of transportation fund balances, as heretofore described, for the payment of extracurricular or field trip school bus travel must be approved by the respective governing board of school trustees, county or district.

(B) School districts or county school boards governing a county-wide transportation system may contract with governmental agencies or nonprofit organizations for the use of school buses for the transportation of senior citizens or handicapped persons under the following provisions:

(i) A contract shall be on file in the administrative office of the district.

(ii) The district or county transportation fund shall be reimbursed for the cost of contracted transportation. The reimbursement rate must be based on the actual cost per mile, including bus depreciation, for the operation of the regular school buses in the county or district. A trip ticket should be used for each bus on each date the bus is used for travel under this provision.

(iii) Money received from the contracts shall be deposited in the school district's transportation fund account.

(iv) The use of school buses for transportation of senior citizens or handicapped persons shall not interfere with provisions of normal school transportation services.

(6) Reports to determine transportation costs.

(A) Commencing with the first Wednesday in September, and continuing on the first Wednesday of each succeeding month, the district shall count the number of eligible pupils actually riding the bus on each route operated. If school is not held on the first Wednesday of any month, the next regular school day shall be used. Counts are to be taken both in the morning and afternoon, and the larger of the two counts be reported.

(B) The district shall also determine the total miles of operation required to transport the eligible resident bus pupils to and from school on the first Wednesday of each month or on the next regular school day if school is not in session on Wednesday. The mileage reported must be in keeping with the mileage on the route description, as approved by the legally designated authority, for each route operated.

(C) The noon-day kindergarten transportation programs should be considered as regular transportation and reported as such. In reporting the mileage traveled, please report the actual mileage traveled either to school or from school.

(D) The odometer of all buses shall be recorded on September 1, 1977.

(E) A report of the number of eligible pupils and route miles shall be submitted to the transportation section of the Texas Education Agency prior to December 16 and May 19 of the current school year.

(F) Prior to October 1, 1978 and 1979, the district shall submit a report of the actual total cost of transporting school children for the previous school year. The cost shall include the total base costs for transporting students for maintenance, operation, salaries, depreciation, etc., including combined state and local expenditures for each school district.

Issued in Austin, Texas, on January 31, 1978.

Doc. No. 780736

M. L. Brockett  
Commissioner of Education

Effective Date: February 20, 1978

For further information, please call (512) 475-7077.

## Foundation School Program Salary Schedule 226.41.05

The Texas Education Agency has amended Rule 226.41.05.010 concerning the salary schedule under the Foundation School Program. Senate Bill 1, 65th Legislature, Special Session, amended Section 16.056 of the Texas Education Code to remove detailed preparation requirements for each position and require instead that all personnel assigned to Pay Grades 4 and above be certified according to requirements or standards developed by the Central Education Agency. For the 1977-78 school year, the same requirements for such positions which were in law in 1976-77 will apply. Any new requirements for these positions will become effective with the 1978-79 school year. Local districts are to develop job requirements and standards for Pay Grades 1, 2, and 3.

Rules for the assignment of personnel as a result of changes made by Senate Bill 1 are set out. These include rules for assignment of part-time and full-time principals, rules for placement on the salary schedule for personnel reclassified by law into a higher pay grade, and "grand-person" provisions.

Public review and discussion of the proposed rule were held. The rule is adopted with no changes from the text proposed.

This rule is promulgated under the authority of Sections 16.005 and 16.056, Texas Education Code.

### .010. Salary Schedule.

(a) Policy. The allocation of Foundation School Program funds for salaries shall be based on the minimum salary schedule as required by law.

#### (b) Administrative procedure.

(1) A current salary schedule, with regulations approved by the State Board of Education, is published by the Texas Education Agency in the State of Texas Annual Public Education Compensation Plan.

(2) This document shall show the positions, pay grades, titles, and number of annual contract months authorized by law for each position under the Texas Public Education Compensation Plan, as well as all new positions or months of service which have been added by the commissioner of education, with the approval of the State Board of Education.

(3) All personnel assigned to Pay Grades 4 and above must be certified according to the certification requirement and/or standards for each position as established by the Central Education Agency. For the 1977-78 school year, the same requirements established by law for the 1976-77 school year will apply to personnel assigned to positions in Pay Grades 4 and above. Any new requirements and standards for these positions will become effective with the 1978-79 school year.

(4) Those personnel assigned to positions in 1975-76 under the "grand-person" clause will continue to be safe-guarded except for those personnel who were assigned to positions deleted from or modified by Senate Bill 1 (65th Session). Those administrative officers placed in Pay Grade 10 in 1975-76 may be moved to higher pay grades designated for administrative officers without losing their safe-guarded status under the grand-person clause. All newly assigned

personnel must meet the current requirements for the positions they hold.

(5) Personnel continuing in the same job assignment who have been reclassified into a higher pay grade by law shall move into that pay grade on that step occupied by persons with equivalent years of experience which is acceptable for salary increment purposes.

(6) Districts have the authority to establish local job requirements and standards for Pay Grades 1, 2, and 3. Complete job descriptions should be designed and written for all positions falling into these pay grades. The only position currently authorized for a part-time principal is in Pay Grade 10 on campuses with 11 or fewer classroom teachers. Full-time principals (11 months) may be assigned to all campuses. An assistant principal (Pay Grade 11, 10 months) may be assigned only to a campus of 20 or more teachers to assist a full-time principal who has been assigned to the same campus.

(7) Persons who were serving as part-time principals in 1970-71 and have continued in that assignment on the same campus since that time may continue as part-time principals on a 10-month basis on any campus regardless of size. All persons who were first assigned after 1970-71 as part-time principals on campuses with more than 11 teachers and who wish to continue to serve as full-time principals must hold an administrator's certificate or must have been granted a temporary administrator certificate (Rule 226.62.03.020, Section (d-h-c)).

Doc. No. 780711

## Adoptions by Reference: General 226.41.90

The Texas Education Agency has adopted new Rule 226.41.90.020, the adoption by reference of the Texas State Public Education Compensation Plan. This document contains a series of tables showing years of experience, salary per month, annual salary, and daily rate for each pay grade and step covered under the Foundation School Program Minimum Salary Schedule (Section 16.056, Texas Education Code). This rule is adopted with no change from the text proposed.

This rule is promulgated under the authority of Section 16.056, Texas Education Code.

.020. Texas State Public Education Compensation Plan. The salary schedule to be used in implementing and administering the Public Education Compensation Plan is contained in the Texas State Public Education Compensation Plan, which is adopted by reference as the Texas Education Agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on January 30, 1978.

Doc. No. 780712

M. L. Brockett  
Commissioner of Education

Effective Date: February 19, 1978

For further information, please call (512) 475-7077.

## Texas Department of Health Nursing and Convalescent Homes Minimum Licensing Standards for Personal Care Homes 301.54.07

(Because of the length of the text, the adoption by the Texas Department of Health of Rules 301.54.07.001-.003 has been published serially. This issue contains the second installment of the rules, Rules .002 and .003. Rule .001 was published in the February 3, 1978 issue (3 TexReg 439). The effective date of all three rules is February 28, 1978.)

The Texas Department of Health has adopted Rules 301.54.07.001-.003 on minimum licensing standards for personal care homes, with several changes as a result of numerous written comments submitted to the department and extensive testimony received at five public hearings across the state on the proposed rules. The major comments were and the department's actions therefor are as follows:

(1) That the standards, if applied to many facilities, institutions, or programs operated by, under the supervision of, or approved by other governmental agencies primarily engaged in the training, habilitation, rehabilitation, or education of clients, would cause extreme hardship and be in conflict with the philosophy of such facilities, institutions, or programs. This objection came from many sources and the department recognizes that with the many and varied facilities which may be involved with these standards, some flexibilities are needed. Subsections (9) and (10) of Rule .001(f) have been added to provide these flexibilities.

(2) That the Type B category as provided in Proposed Rule .003 was essentially the same as Type A in Rule .002 and the two could be combined into one category. The department accepts the comments on this subject and has combined Types A and B into Type A in Rule .002 and now changes Type C in Proposed Rule .004 in name to Type B, which type will now be moved up to and covered in Rule .003, thereby deleting the necessity for Rule .004.

Numerous other changes pertaining to particular items in the rules have been incorporated into these rules to reflect comments received. Editorial changes have been made throughout for clarification. The rules should therefore be read in their entirety.

These rules are adopted pursuant to Article 4442c, Vernon's Texas Civil Statutes.

### .002. Personal Care Homes-Type A.

#### (a) Building construction.

##### (1) Classification of facilities.

(A) A Type A-Class I facility is a building or portion of a building consisting of one or more floors or one or more units totaling 15 beds or less, including beds for "live-in" staff.

(B) A Type A-Class II facility is a building or portion of a building consisting of one or more floors totaling 16 beds or more.

##### (2) Application.

(A) All buildings or structures, whether new construction or existing construction, regardless of existing oc-

cupancy, to be used as a licensed personal care home shall be in accordance with these standards. Any exceptions are specifically mentioned. See also paragraph (C) below.

(B) Any personal care home existing in operation at the time of adoption of these standards by the Texas Board of Health shall be given a reasonable time by the licensing agency in which to comply with the physical plant requirements. Refer to Rule .001(f)(8).

(C) For any personal care home existing in operation at the time of adoption of these standards, the licensing agency in consultation with the applicant may modify requirements whose application would be clearly impractical in the judgment of the licensing agency. Any such modifications shall be allowed only to the extent that reasonable life safety against the hazards of fire, explosion, structural or other building failure, and panic is provided and maintained; and any alternative arrangements shall secure as nearly equivalent safety to life as practical, but in no case shall the modifications be less restrictive or afford less safety to life than full compliance with these standards.

#### (3) Codes, guides, manuals.

(A) Buildings and structures shall conform to the *Life Safety Code*, 1973 edition, Number 101, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, as follows:

Type A-Class I: Chapter 11, Section 11-5. Lodging or Rooming Houses

Type A-Class II: Chapter 11, Section 11-4. Dormitories.

Other chapters, sections, subsections, or paragraphs of the *Life Safety Code*, such as Section 17-1 and 17-5, shall apply as referenced or intended for their relation to Sections 11-4 and 11-5.

(B) At the time of initial licensing of a building, structure, or addition under these standards, such building, structure, or addition shall meet the then current editions of the following codes and guides as qualified by Rule .002(a)(2):

(i) a nationally recognized building code such as the *National Building Code*, recommended by the American Insurance Association, 85 John Street, New York, New York 10038 (residential occupancy); the *Standard Building Code*, Southern Building Code Congress International, Inc., 3617 Eighth Avenue, South, Birmingham, Alabama 35222 (residential occupancy); the *Uniform Building Code*, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 (hotels or apartment house occupancy);

(ii) the *National Electrical Code*, Number 70, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210;

(iii) the *National Plumbing Code*, as published by the American Standards Association, 70 East 45th Street, New York, New York 10017.

(C) The following guides and handbooks are recommended: *ASHRAE Handbook of Fundamentals*, published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, New York 10017.

(D) The facility shall conform to all state laws and local codes and ordinances. When such laws, codes, and ordinances are more stringent than these standards or than the codes, guides, and manuals specified in subsection (a)(3), the more stringent requirement shall govern. Should state laws

or local codes or ordinances be in conflict with the requirements of these standards or with any of the codes, guides, and manuals specified in subsection (a)(3), the licensing agency shall be so informed so that these conflicts may be legally resolved.

(4) Separation from other occupancies.

(A) A common wall between a personal care home and another occupancy shall be not less than a two-hour non-combustible fire-rated partition, unless approved otherwise by the licensing agency. (Definition of such a partition is in accordance with National Fire Protection Association Standards.)

(B) A personal care home with a fire exposure from another structure less than 20 feet away may require certain protective construction as determined or approved by the licensing agency.

(C) A licensed nursing home, licensed custodial care home, or licensed hospital is not considered another occupancy for the purpose of paragraph (A) above; however, the building standards for nursing homes, custodial care homes, or hospitals may consider a personal care home as another occupancy.

(5) Mobile homes or trailers. Mobile homes or trailers are prohibited. "Manufactured homes," if meeting requirements of these standards as determined by the licensing agency, are acceptable.

(6) Facility location.

(A) The facility shall be located so as to promote at all times the health, treatment, comfort, safety, and well-being of the residents.

(B) The facility shall be located within five minutes service time from a paid or volunteer fire fighting unit approved by the licensing agency and be served by an adequate supply of water for fire fighting purposes as approved by the licensing agency. Should the fire fighting unit response time not be within five minutes or should the water supply be insufficient, the facility shall have an early automatic fire detection system as approved by the licensing agency.

(b) Personal safety and comfort.

(1) All stairways shall have substantial handrails.

(2) Tubs and showers shall have nonslip bottoms or floor surfaces, or furnishings shall be provided to satisfy this requirement.

(3) Though a Type A personal care home is not to house physically handicapped residents, the facility shall have provisions for persons in wheelchairs for ingress and egress from the outside to the principal living room. Ramps used for this purpose shall have slopes not exceeding 1:12.

(4) Portable fire extinguishers.

(A) Dry chemical. At least one portable U.L. or FM-approved five-pound Class B:C dry chemical fire extinguisher, rechargeable type, is required in each laundry, kitchen, and walk-in mechanical room. (Exception: U.L. or FM-approved equivalent Class B five-pound carbon dioxide extinguisher installed in the foregoing locations prior to effective date of these standards is acceptable.) A.B.C. type extinguishers are not recommended for use in kitchens.

(B) Water type. Portable U.L. or FM-approved two and one-half gallon stored-pressure water-type fire extinguishers (Class A) must be provided in public areas serving patient bedrooms. One such unit shall be located within 50 feet of any resident bedroom door. (Acidic base fire ex-

tinguishers (A.B.C.) are not approved for use in resident areas. This also applies to all dry chemical extinguishers.)

(C) Mounting and locating. Extinguishers must be conspicuously located where they will be readily accessible and available and never obstructed or obscured from view. Units must be installed on hangers or brackets supplied with the units, mounted in special cabinets or set on shelves specifically dedicated to the units; and operating instructions shall face outward. Mounting heights must be convenient, and in no case shall the extinguisher be mounted closer than four inches to floor nor higher than five feet from the floor.

(D) Inspection and maintenance. Regular monthly inspections or "quick checks" must be made by facility representatives to assure that extinguishers are in proper location, that any seals or tamper indicators are not broken, that there is no obvious physical damage, that there is no visible corrosion or leakage, that the gauge indicates a full charge, that the annual service tag is in place and up-to-date, and that otherwise the units appear to be in proper working order. Annual maintenance or "thorough checks" must be accomplished in accordance with National Fire Protection Association Standard No. 10A (NFPA 10A) by competent personnel licensed or certified to perform servicing by the Texas State Fire Marshal. A service tag in format established by the Texas State Fire Marshal must be securely fastened to each extinguisher. Hydrostatic testing must be accomplished in accordance with regulations of the Texas State Fire Marshal. Unserviceable extinguishers must be replaced.

(E) With reference to paragraphs (A) and (B) above, alternative locations and arrangements for fire extinguishers may be as approved by the licensing agency for small facilities, facilities consisting of separated small building units, or unusual building arrangements.

(5) All lavatories and bathing units shall be supplied with hot water in quantities to meet the needs of the residents.

(6) Open flame heating devices and space heaters are prohibited. Working fireplaces are acceptable if of safe design and construction and if screened or otherwise enclosed.

(7) Smoking regulations shall be established and conspicuously posted throughout the facility. Ashtrays of noncombustible material and safe design shall be provided.

(8) Cooling and heating shall be provided as necessary for resident comfort. Heating temperatures in resident use areas may be less than 72 degrees Fahrenheit if consistent with the comfort and well-being of the residents.

(9) The facility shall be well ventilated through the use of windows, mechanical ventilation, or a combination of both. Rooms and areas not having outside windows and which are used by residents or personnel shall be provided with functioning mechanical ventilation to change the air on a basis commensurate with the room usage.

(10) Storage of hazardous items such as janitor supplies and equipment shall be provided in closets or spaces separate from resident-use areas. Closets or spaces shall be maintained in a safe and sanitary condition and ventilated in a manner commensurate with the use of the closet or space.

(11) Illumination, either natural or artificial, shall be provided to supply the needs of the residents without eye strain or glare.

(12) In the event of failure of normal lighting, all individual buildings housing 30 or more residents shall be provided with emergency lighting in corridors, exit access ways,

and stairwells, in accordance with 11-4242 of the *Life Safety Code*.

(13) For individual buildings housing 30 or more residents, exit signs shall be provided in accordance with 5-11 of the *Life Safety Code*.

(14) The facility shall develop an emergency evacuation plan approved by the local fire marshal having jurisdiction and the Facility Standards Division, Bureau of Long-Term Care, Texas Department of Health. The plan shall be conspicuously posted throughout the facility.

(15) The facility shall have emergency fire lane for access of fire apparatus, as required by local authorities and the licensing agency.

(16) There shall be at least one telephone in the facility available to either staff or residents use in case of an emergency. The telephone numbers of the fire department, the police department, and emergency ambulance service shall be posted conspicuously at or near the telephone.

(17) Waste and storage containers.

(A) Metal wastebaskets or trash containers must be provided for patient bedrooms, offices, attendant areas, lounges, handicraft rooms, and similar locations. It is strongly recommended that these containers be made of substantial gauge steel and have at least a half-inch air space between floor and bottom of container. Certain plastic containers meeting Underwriter Laboratories, Inc., (U.L.) standards and approved by the licensing agency may be used in place of metal. Covers are not required if containers at these locations are emptied at least daily.

(B) Garbage, waste, or trash containers provided for kitchens, janitor closets, laundries, mechanical or boiler rooms, general storage, and similar places must be made of steel, have a close fitting steel cover, and have at least a half-inch air space between floor and bottom of container. Disposable plastic liners may be used in these containers for sanitation.

(C) Plastic containers with lids are acceptable for storage of staple foods in the pantry. Dishwashing chemicals used in the kitchen may be stored in plastic containers if they are the original in which the manufacturer packaged the chemicals.

(18) There shall be no occupancies or activities undesirable to the health and safety of the residents in the buildings or on the premises of the facility.

(19) An annual pressure test of facility gas lines from the meter shall be provided. Any unsatisfactory conditions shall be corrected promptly.

(20) Passenger elevators shall be provided in the facility for resident bedrooms use area which are on the third floor or higher, the street floor being considered the first floor. Applicable building codes shall be observed in the design and construction of elevators.

(21) General fire safety.

(A) General fire safety shall be observed at all times.

(B) Storage items shall be neatly arranged and placed to minimize fire hazard. Gasoline, volatile materials, paint, and similar products shall not be stored in the building housing residents except as may be approved by the local fire marshal.

(C) Accumulations of extraneous material and refuse shall not be permitted.

(D) The building shall be kept in good repair; electrical, heating, and cooling systems shall be maintained in a safe manner. Use of electrical appliances, devices, and lamps shall be such as not to overload circuits or cause excessive lengths of extension cords.

(E) All fires, whether causing injury or damage, shall be reported within 72 hours to the licensing agency, followed by a written report indicating date, time of day, location in facility, how discovered, notification procedures, procedures in protecting (or evacuating) residents, automatic activation of alarm or suppression devices, fire department response, method of suppressing fire, cause, injury, damage, and other pertinent information.

(22) Use of flame retardant bedding, upholstery, draperies, and other fabrics is recommended when such materials are practical for the use involved.

(23) All exterior site conditions shall be designed, constructed, and maintained in the interest of resident safety. Steep ramps shall be avoided. Ramps, walks, and steps shall be of slip-resistive texture and be smooth and uniform, without irregularities. Guard rails, fences, and handrails shall be provided where needed. Grounds, grass, shrubbery, trees, and other site features shall be maintained in a neat and attractive manner in the interest of physical safety and emotional comfort of the resident.

(24) In the design and furnishings of the personal care home, consideration shall be given to arrangement, decorations, colors, sound control or abatement, orientation, exterior views, and other features of attractiveness in the interest of both the physical and emotional comfort of the residents. Furniture shall be substantial and of design commensurate with its function and use. Maintenance of building features, furnishings, and furniture shall be provided for continuing resident benefit.

(c) Sanitary environment.

(1) Wastewater drainage and sewage shall be discharged into a state-approved municipal sewerage system where such system is available; otherwise, the sewage and wastewater shall be collected, treated, and disposed of in a manner which is approved by the Texas Department of Health and the Texas Water Quality Board.

(2) The water supply shall be of safe and sanitary quality as approved by the Texas Department of Health. Quantity and pressure shall be as necessary to serve the needs of the facility.

(3) Waste, trash, and garbage shall be disposed from the premises at regular intervals to prevent excessive accumulations. Disposal shall be provided in accordance with state and local practices. Outside containers for storage shall have tight fitting lids left in closed position. Containers shall be cleaned regularly.

(4) The building and grounds shall be kept neat and free from refuse, litter, accumulations of extraneous materials (*i.e.*, discarded furniture, unused equipment, building materials, etc.) and other unsightly or injurious accumulations.

(5) The building shall be kept in good repair and maintained so that the facility may be free of insects and rodents, rainwater, and other conditions adversely affecting a sanitary environment or the well-being of the residents.

(6) Windows and doors capable of remaining open for ventilation shall be insect screened.

(7) A pest control program shall be in operation in the facility. Such programs shall be provided by qualified



facility staff or by contract with a licensed pest control company. Care shall be taken to insure the use of the least toxic and least flammable effective insecticides and rodenticides.

(8) All floors and wall surfaces must be cleanable.

(9) All bathrooms, toilet rooms, and other odor-producing rooms, or areas for soiled or unsanitary operations shall be ventilated with operable windows or mechanical exhaust for odor control.

(10) In kitchens and laundries where there is a possibility of cross contamination, there shall be provided a separation of clean and soiled operations so as to minimize the possibility of cross contamination by facility staff. Clean and soiled linen shall be separately stored.

(11) A resident who develops a communicable disease or infectious condition that may be transmitted to another resident shall be isolated, given special precautionary measures, or transferred to a health care facility which is equipped to isolate or treat the condition.

(12) The interior and exterior of the facility shall be maintained in a safe, clean, orderly, and attractive manner. Housekeeping personnel shall utilize accepted practices and procedures to keep the facility free from offensive odors, accumulations of dirt, rubbish, dust, and hazards. Floors shall be maintained in good condition and cleaned regularly. Walls and ceilings shall be maintained free from cracks and falling plaster or paint and shall be cleaned regularly. Storage areas, attics, and cellars shall be kept safe and free from accumulations of extraneous material such as refuse, discarded furniture, and newspapers.

(13) The facility shall have available at all times a quantity of linen essential for the sanitary and cleanliness needs of the residents. Clean linens shall be stored in a clean linen storage area.

(d) Accommodations.

(1) Resident bedrooms.

(A) Resident bedrooms shall be arranged and equipped for adequate personal care and for comfort and privacy.

(B) Bedrooms shall have not less than 80 square feet of usable floor space for a one-bed room.

(C) Bedrooms shall have not less than 60 square feet of usable floor space per bed for multiple-bed rooms.

(D) Only four beds shall be in any one bedroom.

(E) In the bedrooms and for each resident there shall be provided a bed, comfortable chair, table or dresser, and closet space which provides security and privacy for clothing and other personal belongings. Married couples may share a bed.

(F) A bedroom shall be not less than eight feet in the smallest dimension.

(G) Each bedroom shall have at least one window giving an exterior exposure. The window sill of the required window shall be no higher than 36 inches from the floor. Otherwise bedroom window requirements shall be as called for in the *Life Safety Code*.

(H) If a bedroom floor level is below outside grade level, at least one window with exterior exposure will be provided above outside grade level.

(I) All resident rooms shall open upon an exit or service corridor or living area and shall be arranged for convenient resident access to dining and recreation areas.

(2) Resident toilet and bathing facilities.

(A) All bedrooms shall be served by separate pri-

vate, connecting, or general toilet room for each sex (if facility houses both sexes). General toilet room or bathing room shall be accessible from corridor or public space. A lavatory shall be readily accessible to each water closet. At least one water closet, lavatory, and bathing unit shall be provided on each sleeping floor accessible to residents of that floor.

(B) The ratio of fixtures to residents shall be one water closet and one lavatory for each six residents or fraction thereof. There shall be one tub or shower for each 10 residents or fraction thereof.

(C) Privacy partitions or shields shall be provided for toilet rooms of more than one water closet.

(D) Towels, soap, and toilet tissue shall be provided at all times for resident use.

(E) Folding or sliding doors shall not be used for resident bathrooms or compartments unless it can be established that no safety hazard exists with the type of installation provided or in use.

(3) Recreation, living, and day room.

(A) Recreation, living, and day room space shall be provided at not less than 20 square feet per resident for the first 30 residents and not less than 10 square feet per resident for all additional residents except that a space of at least 144 square feet shall be provided regardless of number of residents. Recreation, living, and day room space can include one or more rooms or areas provided that the first such area is at least 144 square feet and any others thereafter at least 100 square feet each.

(B) Some of the recreation, living, and day room areas shall have exterior windows providing a view of the outside.

(4) Miscellaneous.

(A) The facility shall provide assistance to the residents in securing or arranging for transportation to meet the residents' transportation needs.

(B) The facility shall provide or arrange for nearby functional parking space for private vehicles of residents who drive. Nearby parking arrangements for visitors shall be assured.

(e) Care and services.

(1) Personnel.

(A) Eligibility for licensure.

(i) From date of approval by the Texas Board of Health of these minimum standards, any applicant for state license shall have graduated from an accredited high school or hold a certificate of equivalency of graduation from an accredited high school.

(ii) Each applicant for state license to manage a personal care home shall furnish upon a form made available by the licensing agency certain information, facts, and references that will attest to the moral character, stability, continuing financial responsibility, and physical and mental capability of said applicant to conduct the operations of the facility pursuant to the standards, rules, and regulations adopted by the Texas Board of Health. Such attestations shall be given in the form of a sworn affidavit and shall be a prerequisite to licensing.

(iii) At the discretion of the licensing agency, any owner, manager, or employee of a home providing personal care may be required to secure an adequate examination by a physician licensed by the State Board of Medical Examiners and secure in evidence thereof a statement signed by such

physician to the effect that such examination has been made and that to the best of his or her knowledge, the person examined was found on that date to be free of any transmissible condition of any disease and any physical or mental debility which would preclude the person examined from discharging his or her duties proficiently in the home providing personal care. Such examination shall be actual and thorough and conducted within the framework of practical scientific procedures for the determination of the existence of communicable disease or the existence of gross physical or mental debility.

(iv) The submission of false information by any applicant for an original or renewed state license shall constitute grounds for the denial, suspension, or revocation of state license to operate.

(v) The use of subterfuge or other evasive means, such as filing for license through a second party when an individual is disqualified for licensing, shall constitute grounds for the refusal, suspension, or revocation of a state license to operate a home providing personal care.

(vi) Habitual drunkenness, addiction to narcotics, disorderly conduct, or the violation of any law involving moral turpitude on the part of the owner, manager, or employee engaged in the operations and functions of a home providing personal care shall constitute grounds for withholding, suspending, or revoking the state license for the operation of said home.

(vii) The habitual consuming of alcoholic beverages on the premises or while on duty in a home providing personal care by the owner, manager, or employees shall constitute grounds for withholding, suspending, or revoking the state license for the operation of said home.

(viii) Willful or repeated action inconsistent with the health and safety of the residents, gross neglect of the care of the residents, or repeated or gross failure to meet the licensing standards on the part of the owner, manager, or employees engaged in the operations or functions of a personal care home shall constitute grounds for withholding, suspending, or revoking the state license for the operation of said home.

(B) Governing body.

(i) There shall be a governing body which assumes full legal responsibility for the overall conduct of the facility. If the facility does not have an organized governing body, the person(s) legally responsible for the conduct of the facility shall carry out or have carried out the functions herein pertaining to the governing body. The ownership of the facility shall be fully disclosed to the state licensing agency. In case of corporation, the corporate officers shall be made known to the licensing agency.

(ii) The governing body shall be responsible for compliance with the applicable laws and licensing standards of the licensing agency.

(C) Administrative management.

(i) Unless the owner is the manager, the owner or the governing body shall appoint a full-time manager who is qualified by training and experience. The governing body shall delegate in writing to this manager the responsibility for the internal operation of the facility in accordance with established policy.

(ii) The manager shall be at least 18 years of age, capable of making mature judgments, and shall have no physical or mental disabilities or personality disturbances which interfere with carrying out his responsibility.

(iii) The manager shall have graduated from an accredited high school or hold a certificate of equivalency of graduation from an accredited high school. It is desirable for the manager to have completed courses in administration.

(iv) The manager's responsibilities for procurement and direction of competent personnel shall be clearly defined.

(v) An individual competent and authorized to act in the absence of the manager shall be designated in writing.

(vi) The manager may be a member of the governing body.

(D) Staffing.

(i) There shall be attendant personnel on duty in the home as needed to maintain order, safety, and cleanliness of the home and premises, to prepare and serve meals, to keep an adequate supply of clean linens, to assist and supervise the residents in the use of the recreational facilities, and to meet the other operational needs of the home. All such persons shall be physically and mentally able to perform the duties assigned. Any resident who is also an employee must meet the minimum qualifications for an employee performing the work.

(ii) The ratio of attendant personnel for each 24-hour period shall be a minimum of one attendant to each 24 residents, or fraction thereof. These attendants must be up, dressed, awake, and on duty at all hours except during resident night-time sleeping periods. During resident night-time sleeping periods, attendants need only be immediately available in the facility to the residents. Attendant personnel shall be increased in the aforementioned staff ratio as necessary to assure that each resident receives the kind and amount of supervision needed for his safety, comfort, and well-being, and as otherwise required by the prevailing conditions and/or the arrangements of the physical plant. In those instances when daily schedule of residents results in all residents being away from the facility, staff-attendant ratio is not required during these periods.

(iii) Each attendant staff person shall have no physical or mental disabilities or personality disturbances which interfere with carrying out his responsibility.

(iv) All employees shall have evidence in their personnel records of an annual medical examination attesting to their freedom from communicable disease.

(2) Operational policies and admissions.

(A) Operational policies.

(i) Each facility shall prepare and make available for distribution detailed written operational policies. Copies shall be furnished to staff personnel and to residents and/or residents' responsible parties at time of admission. The policies shall be as approved by the licensing agency.

(ii) The statement of policies shall cover such details as residents accepted, services provided, charges, refunds, responsibilities of facility and residents, privileges of residents, rules and regulations related to resident management and conduct, and provisions for courtesy and respect.

(B) Admission policy.

(i) Every resident shall have a physical examination by the resident's attending physician at least annually and more often as necessary, and a written report of this examination shall be attached to the resident's record in the home.

(ii) Each personal care home shall be required to



secure at the time of admission of a resident the following identifying information:

- Name of resident (first, middle, and last).
- Usual residence (where resident lived before admission to personal care home).
- State
- County
- City or town (if outside city limits, give precinct number).
- Street address (if rural, give location).
- Sex.
- Color or race.
- Marital status: —Married, —Never Married, —Widowed, —Divorced.
- Date of birth.
- Usual occupation (Give kind of work done during most of working life, even if retired.)
- Emergency notification information.
- Family.
- Physician.
- Birthplace (state or foreign country).
- Father's name.
- Mother's maiden name.
- Was resident ever in U.S. Armed Forces? —Yes —No —Unknown.
- If yes, dates of service.
- Social Security number.

(iii) There shall be in easily understood wording a written admission agreement between facility and Social Security number.

(3) Administration of protective services.

(A) Medications.

(i) All medications are to be self-administered.

Supervision of self-administration of medications is limited to reminders that a resident's medications are due to be taken; a resident requiring more assistance with medications shall not be accepted or retained.

(ii) Pharmaceuticals for resident use shall not be maintained by the personal care home.

(B) Accident, injury, or acute illness.

(i) In the event of accident, injury, or acute illness requiring medical or nursing care, the personal care home will make immediate arrangements for emergency care and/or transfer to an appropriate place for treatment (i.e., physician's office, clinic, hospital, etc.).

(ii) In the event of accident, injury, or acute illness requiring medical or nursing care or in the event of apparent death, the personal care home shall immediately notify the resident's physician and next of kin, responsible person, or responsible agency who placed the resident in the home.

(iii) Every accident, injury, or acute illness requiring medical or nursing care shall be described and documented in a separate accident, injury, or incident report. Such report shall identify the resident, witnesses, date and time, and circumstances under which it occurred. The report shall contain a statement of final disposition and the report shall be maintained on file in the manager's records.

(C) Personal belongings and finances.

(i) Each individual shall have the right to keep and maintain any personal belongings in his possession except items which might be harmful to himself or others. In the event that personal belongings are entrusted to the personal care home for maintenance or safekeeping, then a

duplicate list shall be made, dated, and signed by both parties. The list shall be updated as necessary. The original list and all updated adjustments shall be given to the resident, his guardian, or responsible person or agency. The facility shall retain the duplicate copy.

(ii) Each individual shall have the right of keeping and maintaining his own finances. The personal care home shall keep a simple financial record on all charges for care of the resident and these records shall be available to the licensing agency (in the facility). If the resident entrusts the handling of any personal finances to the personal care home, a simple financial record shall be maintained to document accountability for receipts and expenditures and these records must be available to the licensing agency.

(D) Hygienic, grooming, or other services.

(i) In the event it becomes necessary for the personal care home to furnish hygienic or grooming assistance, this assistance shall be provided in a manner which insures complete regard for the resident's privacy, dignity, and self-respect.

(ii) In the event it becomes necessary for the personal care home to supervise a resident's physical activity or meal regimen to insure his safety, good nutrition, and physical well-being, the personal care home shall insure the necessary personnel to furnish the necessary assistance.

(iii) In the event it becomes necessary to insure a resident's personal safety and welfare by providing any other type of personal assistance, the personal care home shall insure the necessary qualified staff to meet those needs; provided, however, if such needed service is beyond the allowable services a personal care home is licensed to provide, the resident shall not be admitted or retained.

(4) Dietary service.

(A) The facility shall have a kitchen or dietary area to meet the general food service needs of the resident, and it shall include provisions for the storage, refrigeration, preparation, and serving of food as well as provisions for dish and utensil cleaning and refuse storage and removal.

(B) A person designated by the facility is responsible for the total food service of the facility. This person must be suited by experience or training sufficient to be responsible for requirements listed in dietary service, subsection (e)(4) of this section.

(C) At least three meals or their equivalent shall be served daily, at regular times, with no more than a 14-hour span between substantial evening meal and breakfast the following morning.

(D) Menus shall be planned one week in advance, and food sufficient to meet general nutritional needs of residents shall be prepared as planned for each meal. Current week's menu shall be in one or more accessible places in the dietary department for use by employees responsible for purchasing, preparing, and serving foods.

(E) Menus shall provide a sufficient variety of foods served in adequate amounts at each meal. Menus shall be different for days of each week and shall be adjusted for seasonal changes. Substitutions shall be noted on menus for the date and meal when substitutes were made.

(F) Records of menus as served shall be filed and maintained for 30 days after the date of serving.

(G) Supplies of staple foods for a minimum of a four-day period and of perishable foods for a minimum of a

one-day period shall be maintained on the premises.

(H) Food preference of residents shall be considered when planning and serving meals and sufficient variety included to permit choices.

(I) Effective equipment shall be available and procedures established to maintain food at proper temperature prior to and during serving.

(J) A dining room or rooms with appropriate furnishings shall be provided. Dining room size and furnishings shall allow the residents to dine at one sitting and allow conformance with generally acceptable dining time frames. An alternate seating arrangement may be approved, provided there is sufficient staff and dining time to accommodate all clients. If meal service is on a "split" basis, second or alternate servings must be equal in quantity, quality, and sanitation to the first serving.

(K) Sanitary conditions shall be maintained in the storage, preparation, and distribution of food in accordance with state laws or regulations and local health ordinances or requirements.

(L) Effective procedures for cleaning all equipment and work areas shall be followed consistently.

(M) Dishwashing procedures and techniques shall be well developed, understood, and carried out in compliance with the state laws or regulations and local health ordinances or requirements. Mechanical dishwashers shall be used for this purpose.

(N) Waste which is not disposed of by mechanical means shall be kept in leak-proof, nonabsorbent containers with close-fitting covers and shall be disposed of daily in a manner that will prevent transmission of disease, a nuisance, a breeding place for flies, or a feeding place for rodents. Containers shall be cleaned inside and out each time emptied. Refer also to Section (c).

(O) Dry or staple food items shall be stored off the floor in a ventilated room not exposed to contamination by sewage, sewer gases, wastewater backflow, contamination by condensation, leakage, drainage, excessive humidity, rodents, or vermin.

(5) Humane treatment and civil rights.

(A) Restrictive rules shall be kept to a minimum. While some rules are necessary in group living to maintain a balance between individual wishes and group welfare, they shall not infringe upon a resident's civil rights of self-determination, privacy of person or thought, and personal dignity. General rules affecting all residents should be based on the premise that residents have the capacity to function as adult individuals. A written policy concerning residents' civil rights shall be posted in a conspicuous location.

(B) Abuse or punishment of residents in the home will not be tolerated. Substantiated evidence of the owner, manager, or any staff member willfully inflicting injury, physical suffering, or mental anguish on any resident in a home shall constitute grounds for suspension or revocation of license.

(C) Each resident shall have unlimited freedom to move from the home provided that the personal care home is privileged to secure a written release from the resident or his sponsor.

(D) Each resident shall be allowed to manage his own money.

(E) Each resident shall have the right to participate in, or abstain from, religious observances as he chooses.

If dietary abstinences are a part of his religious observance, he shall be provided with religiously acceptable substitutes, provided the forbidden food is on the regular menu and constitutes an essential portion of his dietary needs.

(F) Each resident shall have freedom to receive and send mail unopened and without undue delay. Exception may be for specific and valid reasons, provided such decision to withhold or censor incoming or outgoing mail is concurred in by the attending physician and/or the person or agency responsible for placement of that individual in the home.

(G) Residents shall have the opportunity to receive visitors at reasonable hours.

(H) Residents shall have as much freedom as possible in choice of clothing when provisions are available for laundry and dry cleaning at the individual resident's expense. Beautician and barber services shall be made available to the home or the resident for use by those desiring such outside service at the individual resident's expense.

(I) It is recommended that personal care homes provide opportunities for meaningful activities and social relationships. These may include holiday celebrations, parties, indoor or outdoor games, or personal hobbies. Educational or recreational sessions sponsored by groups within the community should be encouraged and planned for with such community groups or agencies. Church groups should be encouraged to provide means for church attendance.

.003. *Personal Care Homes-Type B.*

(a) Building construction.

(1) Application.

(A) All buildings or structures, whether new construction or existing construction, regardless of existing occupancy, to be used as a licensed personal care home shall be in accordance with these standards. Any exceptions are specifically mentioned. See also paragraph (C) below.

(B) Any personal care home existing in operation at the time of adoption of these standards by the Texas Board of Health shall be given a reasonable time by the licensing agency in which to comply with the physical plant requirements. Refer to Rule .001(f)(8).

(C) For any personal care home existing in operation at the time of adoption of these standards, the licensing agency, in consultation with the applicant, may modify requirements whose application would be clearly impractical in the judgment of the licensing agency. Any such modification shall be allowed only to the extent that reasonable life safety against the hazards of fire, explosion, structural or other building failure, and panic is provided and maintained; and any alternative arrangements shall secure as nearly equivalent safety to life as practical, but in no case shall the modifications be less restrictive or afford less safety to life than full compliance with these standards.

(2) Codes, guides, manuals.

(A) Buildings and structures shall conform to the *Life Safety Code*, 1973 edition, Number 101, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, as follows:

(i) Personal care facilities of Type B which are in operation on the effective date of these standards shall conform to at least to Chapter 10, Section 10-2, Existing Hospitals, Nursing Homes, and Residential-Custodial Care Facilities.

(ii) New personal care facilities of Type B shall conform to Chapter 10, Section 10-1, New Hospitals, Nursing

Homes, and Residential-Custodial Care Facilities.

(iii) Buildings converted to Type B from other health care occupancies shall conform to Chapter 10, as determined by the licensing agency.

(iv) Buildings converted to Type B from occupancies other than health care shall conform to Chapter 10, Section 10-1, except as may be waived or allowed otherwise by the licensing agency.

(v) Type B Personal Care Homes in the actual physical process of being built or converted at the time of effective date of these standards need conform only to Chapter 10, Section 10-2.

(vi) Other chapters, sections, subsections, or paragraphs of the *Life Safety Code*, such as Sections 17-1 and 17-4 shall apply as referenced or intended for their relation to Chapter 10.

(B) At the time of initial licensing of a building, structure, or addition under these standards, such buildings, structure, or addition shall meet the then current editions of the following codes and guides:

(i) a nationally recognized building code such as: *National Building Code*, recommended by the American Insurance Association, 85 John Street, New York, New York 10038, (residential occupancy); *Standard Building Code*, Southern Building Code Congress International, Inc., 3617 Eighth Avenue, South, Birmingham, Alabama 35222 (residential occupancy); and *Uniform Building Code*, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 (hotels or apartment houses occupancy).

(ii) the *National Electrical Code*, Number 70, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

(iii) the *National Plumbing Code*, as published by the American Standards Association, 70 East 45 Street, New York, New York 10017.

(C) The following guides and handbooks are recommended: *ASHRAE Handbook of Fundamentals*, published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, New York 10017.

(D) The facility shall conform to all state laws and local codes and ordinances. When such laws, codes, and ordinances are more stringent than these standards or than the codes, guides, and manuals specified in subsection (a) (2), the more stringent requirement shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards or with any of the codes, guides, and manuals specified in subsection (a) (2), the licensing agency shall be so informed so that these conflicts may be legally resolved.

(3) Separation from other occupancies.

(A) A common wall between a personal care home and another occupancy shall be not less than a two-hour non-combustible fire-rated partition unless approved otherwise by the licensing agency. (Definition of such a partition is in accordance with National Fire Protection Association Standards.)

(B) A personal care home with a fire exposure from another structure less than 20 feet away may require certain protective construction as determined or approved by the licensing agency.

(C) A licensed nursing home, licensed custodial care home, or licensed hospital is not considered another oc-

cupancy for the purpose of paragraph (A) above; however, the building standards for nursing homes, custodial care homes, or hospitals may consider a personal care home as another occupancy.

(4) Mobile homes or trailers. Mobile homes or trailers are prohibited. "Manufactured homes," if meeting requirements of these standards as determined by the licensing agency, are acceptable.

(5) Facility location.

(A) The facility shall be located so as to promote at all times the health, treatment, comfort, safety, and well-being of the residents.

(B) The facility shall be located within five minutes service time from a paid or volunteer fire fighting unit approved by the licensing agency and be served by an adequate supply of water for fire fighting purposes as approved by the licensing agency. Should the fire fighting unit response time not be within five minutes or should the water supply be insufficient, the facility shall have an early automatic fire detection system as approved by the licensing agency.

(b) Personal safety and comfort.

(1) All stairways shall have substantial handrails.

(2) Tubs and showers shall have nonslip bottoms or floor surfaces, or furnishings shall be provided to satisfy this requirement.

(3) Provisions for physically handicapped.

(A) Though some Type B personal care homes may not house physically handicapped residents, the facility shall have provisions for persons in wheelchairs for ingress to and egress from the outside to the principal living room. Ramps used for this purpose shall have slopes not exceeding 1:12.

(B) For those facilities housing physically handicapped residents, the following shall be provided:

(i) All outside doors used by such residents and all required exits for such residents shall be provided with safe porches and ramps, suitable for wheelchair use.

(ii) Means of wheelchair travel shall be provided from such a resident's automobile to the inside of the facility, unless approved otherwise by the licensing agency.

(iii) All ramps used in wheelchair travel shall not exceed a slope of 1:12.

(iv) Within ratios specified elsewhere, toilets and lavatories serving physically handicapped shall be equipped for functional use of the handicapped.

(v) Room arrangements and furniture placement shall take into consideration the need of the physically handicapped.

(vi) Other appointments, equipment, and details shall be provided commensurate with the needs of any special type of physically handicapped resident cared for. Such appointments include grab bars at water closets, tubs, and showers; trapeze bars at beds; for the blind, raised signs and numbers and special door knobs on doors leading to hazardous areas; for the deaf, visual warning devices on appropriate audio fire signals.

(4) Portable fire extinguishers. Same as that for Personal Care Homes-Type A.

(5) All lavatories and bathing units shall be supplied with hot water in quantities to meet the needs of the residents. Resident use hot water shall be controlled not to exceed 110 degrees Fahrenheit.

(6) Open flame heating devices, space heaters, and

portable electric heaters are prohibited. Working fireplaces are acceptable if of safe design and construction as approved by the department and if screened or otherwise enclosed.

(7) Smoking regulations shall be established and conspicuously posted throughout the facility. Regulations shall be as called for in Section 17-4 of the *Life Safety Code*. Ashtrays of noncombustible material and safe design shall be provided.

(8) Cooling and heating—same as that for Personal Care Homes-Type A.

(9) Ventilation—same as that for Personal Care Homes-Type A.

(10) Storage—same as that for Personal Care Homes-Type A.

(11) Illumination—same as that for Personal Care Homes-Type A.

(12) Emergency lighting shall be installed as required in the *Life Safety Code*.

(13) Exit signs shall be provided as required in the *Life Safety Code*.

(B) The facility shall provide or arrange for nearby functional parking space for private vehicles of residents who drive. Nearby parking arrangements for visitors shall be assured. See also subsection .003(b)(3).

Issued in Austin, Texas, on January 25, 1978.

Doc. No. 780626      Raymond T. Moore, M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: February 28, 1978

For further information, please call (512) 458-7611.

## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance

059.05.01

The State Board of Insurance has amended its Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendments are attached and incorporated herein by reference. The amendments implement on a permanent basis, Senate Bill 1256 of the 65th Legislature. Senate Bill 1256, which became effective August 29, 1977, amended Article 5.06-1 of the Texas Insurance Code by broadening the statutory coverage to include underinsured motorists bodily injury and property damage coverages and uninsured motorists property damage coverage and permitting optional increased limits of liability for such coverages. The amendments delete all reference to uninsured motorists coverage and adds new rules, rates, and forms for uninsured/underinsured motorists coverage.

These amendments are adopted pursuant to the authority of Article 5.01 of the Texas Insurance Code.

.001. *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements.* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in February, 1978. This document is published by and available from Texas Automobile Insurance Service Office, 221 West 6th Street, Austin, Texas 78701.

Doc. No. 780751

### Policy Forms and Endorsements

059.05.06.001

The State Board of Insurance has amended its Rule 059.05.06.001, which adopted by reference *Standard Provisions for Automobile Policies Written on and after October 1, 1974*. The amendments are attached and incorporated herein by reference. The amendments implement on a permanent basis, Senate Bill 1256 of the 65th Legislature. Senate Bill 1256 which became effective August 29, 1977, amended Article 5.06-1 of the Texas Insurance Code by broadening the statutory coverage to include underinsured motorists bodily injury and property damage coverages and uninsured motorists property damage coverage and permitting optional increased limits of liability for such coverages. The amendments delete all reference to uninsured motorists coverage and add the new provisions for uninsured/underinsured motorists coverage.

These amendments are adopted pursuant to the authority of Article 5.06 of the Texas Insurance Code.

.001. *Standard Provisions for Automobile Policies Written on and after October 1, 1974.* The State Board of Insurance adopts by reference the attached *Standard Provisions for Automobile Policies Written on and after October 1, 1974*, as amended in February, 1978. This document is published by and available from Texas Automobile Insurance Service Office, 221 West 6th Street, Austin, Texas 78701.

Doc. No. 780752

059.05.06.002

The State Board of Insurance has amended its Rule 059.05.06.002, which adopted by reference *Standard Provisions for Automobile Policies Written on and after April 1, 1955*. The amendments are attached and incorporated herein by reference. The amendments implement on a permanent basis Senate Bill 1256 of the 65th Legislature. Senate Bill 1256, which became effective August 29, 1977, amended Article 5.06-1 of the Texas Insurance Code by broadening the statutory coverage to include underinsured motorists bodily injury and property damage coverages and uninsured motorists property damage coverage and permitting optional increased limits of liability for such coverages. The amendments delete all reference to uninsured motorists coverage and add the new provisions for uninsured/underinsured motorists coverage.

These amendments are adopted pursuant to the authority of Article 5.06 of the Texas Insurance Code.

.002. *Standard Provisions for Automobile Policies Written on and after April 1, 1955.* The State Board of Insurance adopts by reference the attached *Standard Provisions for Automobile Policies Written on and after April 1, 1955*, amended in February, 1978. This document is published by and available from Texas Automobile Insurance Service Office, 221 West 6th Street, Austin, Texas 78701.

Issued in Austin, Texas, on January 31, 1978.

Doc. No. 780753 Pat Wagner  
Chief Clerk  
State Board of Insurance

Effective Date: February 25, 1978

For further information, please call (512) 475-3486.

## Texas Private Employment Agency Regulatory Board Procedures and Regulations 398.01.00

Under the authority of Article 5221a-6, Texas Civil Statutes, the Private Employment Agency Regulatory Board has amended Rule 398.01.00.009(a), (b), (c), and (d), to read as follows:

### .009. Advertising.

(a) All employment agencies licensed under this act shall in all advertising, including but not limited to newspapers or other publications, billboards, radio, television, cards, printed notices, circulars, contracts, letterheads, and all other material made available for public distribution, except envelopes, plainly and clearly disclose that the advertising is for an employment agency.

The following appellations only shall satisfy this requirement: employment agency, employment service, personnel service, personnel consultants, personnel agency, placement service, employment consultants, artists' manager, placement agency, executive selection, or executive search consultants.

(b) Any person who publishes any form of advertisement, including but not limited to trade publications, directories, and circulars, which pictures or lists applicants available for employment must fully disclose the name and address of the licensed private employment agency soliciting such employment. The above regulation is not applicable to publishing companies who publish, sell, or distribute a directory of paid advertisements by or on behalf of individuals who are seeking employment. Contact information must include the name and address of the individual and/or the name and address of the licensed private employment agency representing such individual. No fee can be collected by the publisher from the party placing such advertisement other than the published advertisement rates.

(c) A licensed private employment agency which advertises in any form of advertising media that it represents an employer or employees must possess direct tangible evidence that each such employer or employees have contacted the agency via direct communication requesting its services to furnish or refer qualified applicants for employment.

(d) All licensed private employment agencies who use the phrase "licensed and bonded" in advertising, stationery, or other printed matter must follow such phrase with "private employment agency." Present supplies of stationery, business cards, etc., can be used until they are depleted. Directory information should be changed at the next reprinting.

Issued in Austin, Texas, on January 31, 1978.

Doc. No. 780729 Thomas H. Haynie  
Chairman  
Texas Private Employment Agency  
Regulatory Board

Effective Date: February 20, 1978

For further information, please call (512) 475-7026.

## Railroad Commission of Texas Commission-Wide Rules General Rules of Practice and Procedure 051.01.50

Section (c) of Proposed Rule 051.01.50.021, relating to representation before the commission, has been withdrawn. Sections (a) and (b) of Proposed Rule 051.01.50.021 remain a part of the proposed rule. The commission's proposed General Rules of Practice and Procedure will not limit parties to representation by attorney. To the extent other rules of practice and procedure proposed by the commission are inconsistent with the withdrawal of Section (c) of Proposed Rule 051.01.50.021, they will be amended prior to adoption (e.g., Proposed Rule 051.01.50.005 relating to standards of ethical conduct).

Doc. No. 780732

## Transportation Division General 051.03.01

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.01.004 by adding a fifth definition to Section (j). The amendment provides that carriers authorized to transport sand, gravel, and related road-building and road maintenance commodities, in bulk, and whose certificates provide for delivery to, *inter alia*, "construction jobsites," shall effect delivery in conformance with said authorization when the consignee designates an interim point of storage for delivery from which said commodities shall subsequently be transported to the point of actual use or application of said commodities without alteration or processing of said commodities at the interim point of delivery and storage.

### .004. Definitions.

(j) "Specialized motor carrier" means any person owning, controlling, managing, operating, or causing to be operated any motor-propelled vehicle used in transporting over any public highway in this state, over irregular routes or irregular schedules, for compensation and for the general public with specialized equipment, property requiring

specialized equipment in the transportation and handling; provided that the term "specialized motor carrier," as used in these regulations, shall not apply to motor vehicles operated exclusively within the incorporated limits of cities or towns; and, provided further, the term "specialized motor carrier" as used herein shall include those carriers who engage or desire to engage exclusively in the transportation of livestock, livestock feedstuff, agricultural products in their natural state, broom corn, grain, farm machinery, timber in its natural state, milk, wool, mohair, or property requiring specialized equipment as that term is hereinafter defined, or any one, or more, of the foregoing named commodities.

The term "specialized equipment" includes, but is not limited to, block and tackle, hoists, cranes, windlasses, gin poles, winches, special motor vehicles, and such other devices as are necessary for the safe and proper loading or unloading of property requiring specialized equipment for the transportation and handling thereof.

The term "property requiring specialized equipment" is limited to (1) oil field equipment, (2) household goods and used office furniture and equipment, (3) pipe used in the construction and maintenance of water lines and pipe lines, and (4) commodities which by reason of length, width, weight, height, size, or other physical characteristics require the use of special devices, facilities, or equipment for their loading, unloading, and transportation.

The term "oil field equipment" means machinery, materials, and equipment incidental to or used in the construction, operation, and maintenance of facilities which are used for the discovery, production, and processing of natural gas and petroleum, and such machinery, materials, and equipment when used in the construction and maintenance of pipe lines.

The term "construction jobsite," as employed in specialized motor carrier certificates authorizing the transportation of sand, gravel, dirt, caliche, shell, and other related road-building commodities, means the point of actual use or application of said commodities or an interim point of storage designated by the consignee from which said commodities shall subsequently be transported to the point of actual use or application of said commodities without alteration or processing of said commodities at the interim point of storage.

Doc. No. 780733

## Tariffs and Schedules 051.03.08

Under the authority of Section 4(a) of Articles 911a and 911b and Section 4(a) of Article 911a, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.08.002 by clarifying the existing regulation in such a way that it clearly does not prohibit the use of commission agents and other bona fide agents who, in the furtherance of their primary business, arrange charter service for their clients with bus companies and are compensated by a payment of a commission based upon the full and complete charge or fare for such service paid by the user to the carrier.

*.002. Variations in Charges Prohibited.* No motor carrier or motor bus company shall charge, demand, collect, or receive, or cause or permit its bona fide agents, servants, or employees to charge, demand, collect, or receive a greater or less or different compensation for transportation, or for any service rendered to or for the user of the service, other than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time; and no motor carrier or bus company shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any user thereof any privileges, facilities, or services, or do or perform any service, or give, remit, or refund anything of value except in accordance with said lawful tariffs and schedules, or specific order by the commission.

Issued in Austin, Texas, on January 27, 1978.

Doc. No. 780734

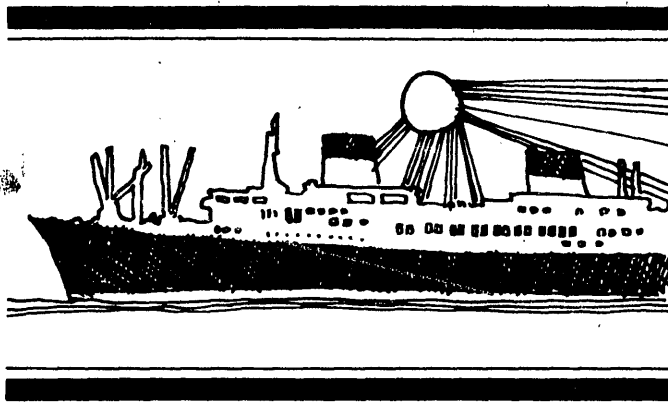
James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Effective Date: February 19, 1978

For further information, please call (512) 475-3208.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.



## Admiral Nimitz Center

**Friday, February 10, 1978, 10 a.m.** The Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission of the Admiral Nimitz Center will meet in the LaQuinta Motor Inn Airport East, 333 Northeast Loop 401, San Antonio. The commission will discuss appointments for commission vacancies; election of officers; anticipated date to begin restoration of west side of museum; review possibility of federal grants and establishment of National Historic Site; purchase of portion of land by commission from Nimitz Foundation space for Memorial Hall; improvement needed for Garden of Peace, Nauwald Building restoration, History Walk, Nature Trail; and review appropriations.

Additional information may be obtained from Douglass Hubbard, P.O. Box 777, Fredericksburg, Texas 78624, telephone (512) 997-4379.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780783

## Texas Aeronautics Commission

**Thursday, February 2, 1978, 2 p.m.** The Texas Aeronautics Commission made an emergency addition to the agenda of a meeting held at 1414 Colorado, Austin. An executive session was held pursuant to Texas Revised Civil Statutes Annotated, Article 6252-17, Section 2(e), for private consultation with the attorney general as to pending litigation between Texas International and the commission.

Additional information may be obtained from Lydia Scarborough, 1104 Lyndon B. Johnson Building, Austin, Texas 78701, telephone (512) 475-4768.

Filed: February 1, 1978, 2:47 p.m.  
Doc. No. 780770

## Texas Animal Health Commission

**Wednesday, February 8, 1978, 9 a.m.** The Texas Animal Health Commission will meet in Room 503-G, Sam Houston Building, Austin. As summarized, the commission will consider the Brucellosis Calfhood Vaccination and Scabies Program and hear an update on the present fever tick situation. An executive session will also be held for the purpose of discussing the appointment, employment, evaluation, reassignment, and duties of employees as permitted by Article 6252-17, Section 2(g), Vernon's Civil Statutes; and for private consultation between TAHC and its attorney in which the TAHC seeks the attorney's advice with respect to pending or contemplated litigation, settlement offers, and matters where the duty of a public body's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, clearly conflicts with this act as permitted by Article 6252-17, Section 2(e), Vernon's Civil Statutes.

Additional information may be obtained from Dr. H. Q. Sibley, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: January 31, 1978, 4:07 p.m.  
Doc. No. 780738

## Texas Commission on the Arts and Humanities

**Thursday, February 9, 1978, 9 a.m.** The Administrative Committee of the Texas Commission on Arts and Humanities will meet at 1801 Lavaca, Austin, to consider the following items, as summarized: travel plans, three month projection of travel; actual travel and itemized daily expense; implementation of the Main Lafrentz Study, status report; furniture status; activity fund report; December and January sign-out log; January activity reports; required conference travel; operational statement on conducting commission meetings; quarterly commission meeting; Executive Committee meeting; Administrative Committee meeting; and Grants Applications Committee.

Additional information may be obtained from Bob E. Bradley, P.O. Box 13406, Austin, Texas 78711, telephone (512) 475-6593.

Filed: February 1, 1978, 4:46 p.m.  
Doc. No. 780778

**Thursday, February 9, 1978, noon.** The Executive Committee of the Texas Commission on Arts and Humanities will meet at 1801 Lavaca, Austin, to consider agency programs to accomplish goals of the commission, as summarized.

Additional information may be obtained from Bob E. Bradley, P.O. Box 13406, Austin, Texas 78711, telephone (512) 475-6593.

Filed: February 1, 1978, 4:47 p.m.  
Doc. No. 780779



## State Banking Board

**Wednesday, February 15, 1978, 2 p.m.** The State Banking Board will meet at 2601 North Lamar, Austin, to conduct a voting session including the following, as summarized: charter applications—Mercantile Bank of Fort Worth, Fort Worth; West Houston Bank, near Katy; and Williamsburg State Bank, near Katy; interim charter application for Walnut Hill and Greenville Avenue Bank, Dallas; conversion application by First National Bank of Dawson to a state-chartered bank, First Bank and Trust Company, Dawson; and domicile change applications—Jersey Village Bank, Jersey Village; The First State Bank, Jasper; and First State Bank, Paint Rock.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780784

**Thursday, February 23, 1978, 9 a.m.** The Hearing Officer of the State Banking Board will conduct a hearing at 2601 North Lamar, Austin, regarding the proposed charter application of San Patricio State Bank, to be located in Sinton, as summarized.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780787

**Monday, February 27, 1978, 9 a.m.** The Hearing Officer of the State Banking Board will conduct a consolidated hearing at 2601 North Lamar, Austin, concerning proposed charter applications for Liberty State Bank, The First State Bank of Lubbock, and First Southwest Bank, all to be located in Lubbock, as summarized.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780788

**Monday, March 6, 1978, 9 a.m.** The Hearing Officer of the State Banking Board will conduct a hearing at 2601 North Lamar, Austin, regarding the proposed charter application of Community State Bank, to be located in Hondo, as summarized.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780789

## Texas Committee on the Purchases of Blind-Made Products and Services

**Monday, February 13, 1978, 1 p.m.** The subcommittee of the Texas Committee on the Purchases of Blind-Made Products and Services of the Governor's Coordinating Office for the Visually Handicapped will meet in the third floor conference room, Stokes Office Building, 314 West 11th Street, Austin. The subcommittee will work on the committee's permanent rules and procedures.

Additional information may be obtained from Dr. Robert J. Winn, Suite 105, Stokes Office Building, Austin, Texas 78701, telephone (512) 475-7064.

Filed: February 1, 1978, 1:37 p.m.  
Doc. No. 780766



## Coordinating Board, Texas College and University System

**Saturday, March 18, 1978, 10 a.m.** The Family Practice Residency Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Room 745, Dallas/Fort Worth Airport Marina Hotel (P.O. Box 61025, Dallas, Texas 75261), to consider applications being made to the committee for funds to establish new family practice residency programs in accordance with House Bill 282.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: January 31, 1978, 10:33 a.m.

Doc. No. 780721

## State Depository Board

**Tuesday, February 14, 1978, 10 a.m.** The State Depository Board has made an addition to the agenda of a meeting to be held in the State Treasurer's office, Lyndon B. Johnson Building, 111 East 17th Street, Austin. The board will discuss the matter of investing funds belonging now and coming due on February 25, 1978, and on March 10, 1978, to various eleemosynary funds.

Additional information may be obtained from Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed: February 1, 1978, 10:26 a.m.

Doc. No. 780750

## East Texas State University

**Friday, February 10, 1978, 9 a.m.** The Board of Regents of East Texas State University will meet in the Board of Regents' Conference Room, East Texas State University, Commerce, to vote on the following items, as summarized: adjustments to the 1977-78 budget; authorization of university officials to sign documents for the board; awarding of Professor Emeritus and the Distinguished Alumnus citations; changes in the constitution of the Faculty Senate; ratification of contracts; approval of contracts and architectural plans; purchase of land; and Commerce and Texarkana summer budgets. The meeting will be closed to discuss land acquisition and computer procurement.

Additional information may be obtained from Charles Morrow, East Texas State University, Commerce, Texas 75428, telephone (214) 886-3636.

Filed: January 31, 1978, 10:19 a.m.

Doc. No. 780715

## Texas Education Agency

**Saturday, February 11, 1978, 8:30 a.m.** The State Board of Education of the Texas Education Agency will meet at Little Cypress-Mauriceville High School on Highway 87, Orange, to consider the following agenda: appeals on decisions of the commissioner of education; agency administration; Good Neighbor Scholarships; State Board for Vocational Education; vocational supervisor, and vocational counselor units; availability of textbook materials for public review; special education funding; Texas Schools for the Blind and for the Deaf; adaptations for special populations (handicapped); bilingual vocational training; general educational development; days scheduled for inservice training of school personnel; veterans approval for proprietary schools; revised 1977-78 program budget for computer services; amendments to principles and standards for accreditation; career education; appointments to advisory committees; apprenticeship and training, conservation and environmental education, aerospace-aviation education, special education; Permanent School Fund; deadline for application for additional personnel units to meet accreditation standards; and other business.

Additional information may be obtained from M. L. Brockett, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: February 1, 1978, 11:47 a.m.

Doc. No. 780760

## Texas Department of Health

**February Hearing Schedule.** The Texas Department of Health will conduct public hearings in February, as follows:

### **Tuesday, February 21, 1978**

1 p.m.—District Courtroom, Atascosa County Courthouse, Jourdanton; regarding application of Atascosa Landfill Board to locate a solid waste disposal site approximately six miles northwest of Jourdanton.

1:30 p.m.—Same location as above; regarding application of the City of Falls City to locate a solid waste disposal site near Falls City.

### **Wednesday, February 22, 1978**

9:30 a.m.—City Hall, Novice; regarding application of the City of Novice to locate a solid waste disposal site in Novice.

### **Thursday, February 23, 1978**

9:30 a.m.—City Hall, Jayton; regarding application of the City of Jayton to locate a solid waste disposal site near Jayton.

### **Tuesday, February 28, 1978**

10 a.m.—City Council Chambers, City Hall, 308 West San Antonio Street, Lockhart; regarding application of Caldwell County to locate a solid waste disposal site near the community of Dale.

10:30 a.m.—Same location as above; regarding application of the City of Lockhart to locate a municipal solid waste disposal site near Lockhart.

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed: February 1, 1978, 11:03 a.m.  
Doc. No. 780755

## Texas Health Facilities Commission

**Thursday, February 2, 1978, 10 a.m.** The Texas Health Facilities Commission made an emergency addition to the agenda of a meeting held in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. Due to the existence of an emergency and urgent public necessity, the commission considered the application for certificate of need from Edinburg General Hospital, Edinburg.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: February 1, 1978, 11:43 a.m.  
Doc. No. 780757

**Thursday, February 9, 1978, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications, as summarized:

Geriatrics, Inc., for Retama Manor No. 60, Brownsville—certificate of need

Gilmer Hospital, Inc., Gilmer—certificate of need

Tigua General Hospital, El Paso—certificate of need

Psychiatric Institute of Fort Worth, Fort Worth—motion for reopened hearing

Timberlawn Psychiatric Hospital, Dallas—declaratory ruling.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: February 1, 1978, 11:43 a.m.  
Doc. No. 780758

**Thursday, February 16, 1978, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications, as summarized:

Colonial Nursing Home, Levelland—certificate of need

Hood General Hospital, Granbury—certificate of need

Matagorda County Hospital District for Matagorda House, Bay City—certificate of need

Smithville Hospital, Smithville—certificate of need

Methodist Hospital, Lubbock—certificate of need

St. John's Hospital, San Angelo—certificate of need

Callahan General Hospital, Baird—exemption certificate

Deep East Texas Regional MH/MR Services, Lufkin—declaratory ruling

Heart of Texas Region MH/MR Center for Community Living Center, Waco—declaratory ruling

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: February 1, 1978, 11:43 a.m.  
Doc. No. 780759



## University of Houston

**Monday, February 20, 1978, 9 a.m.** The Board of Regents' Building Committee of the University of Houston will meet in the board room, 220 E. Cullen, University of Houston Central Campus, 4800 Calhoun, Houston. As summarized, the committee will discuss construction program, award of contracts, and other routine items having to do with facilities planning of the University of Houston.

Additional information may be obtained from Philip G. Hoffman, University of Houston, Houston, Texas 77004, telephone (713) 748-6050.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780781

**Monday, February 20, 1978, 11 a.m.** The Board of Regents of the University of Houston will meet in the board room, 220 E. Cullen, University of Houston Central Campus, 4800 Calhoun, Houston. As summarized, the regular meeting of the board will convene at 11 a.m., discuss and act upon certain routine items, and hold an executive session during the luncheon period. Personnel items, Building and Investment Committee reports, small class and teaching load reports, and other business will be discussed when the meeting reconvenes in the afternoon. Any items discussed in the executive session will be brought to open meeting for action.

Additional information may be obtained from Philip G. Hoffman, University of Houston, Houston, Texas 77004, telephone (713) 748-6050.

Filed: February 2, 1978, 10:41 a.m.  
Doc. No. 780780

## Texas Department of Human Resources

**Tuesday, February 14, 1978, 10 a.m.** The Advisory Council for Child Care Administrator's Licensing of the Texas Department of Human Resources will meet at 510 South Congress, Austin. The summarized agenda includes: report on administrator's licensing for 1977; discussion of Continuing Education Program; revocation of administrator's license; issuing licenses to institutional licensing representatives; and consideration of applications.

Additional information may be obtained from Betty Stevens, 510 South Congress, Austin, Texas 73704, telephone (512) 475-7041.

Filed: February 2, 1978, 11:13 a.m.  
Doc. No. 780797

**Tuesday, February 7, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will hold an emergency hearing in Room 343, 1110 San Jacinto, Austin, to discuss Uvalde County Aid Society, Sabinal, for the purpose of appointment of conservator, under Articles 14.33 and 21.28-A.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 1:37 p.m.  
Doc. No. 780767

**Tuesday, February 7, 1978, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will hold an emergency hearing in Room 343, 1110 San Jacinto, Austin, to consider an application from Bankers Commercial Life Insurance Company, Dallas, for extension of time to hold real estate.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 1:37 p.m.  
Doc. No. 780769

**Wednesday, February 8, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will hold an emergency hearing in Room 343, 1110 San Jacinto, Austin, to consider an application from Gulf Coast Holding Company, Houston, to acquire control of General Protective Life Insurance Company, Bellaire, pursuant to Article 21.49-1, Section 5, of the Texas Insurance Code.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 1:37 p.m.  
Doc. No. 780768

**Monday, February 13, 1978, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, to consider an application from the following to acquire control of Commercial National Life Insurance company, Fort Worth, pursuant to Article 21.49-1, Section 5, and an application for approval of a transaction with an affiliate, pursuant to Article 21.49-1, Section 4, and Article 1.29 of the Texas Insurance Code: Mary E. Gillis, Fort Worth; Dale J. Howard, Bedford; and Houston B. Martin, Fort Worth.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 10:10 a.m.  
Doc. No. 780748



## State Board of Insurance

**Wednesday, February 1, 1978, 2 p.m.** The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 408, 1110 San Jacinto, Austin, to include consideration of a filing by Equitable Insurance Exchange of Personal Property Title Guaranty Policy.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: January 31, 1978, 1:53 p.m.  
Doc. No. 780730

**Tuesday, February 14, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, to consider disciplinary action to revoke or suspend Local Recording Agent Group I and Group II licenses of Paul E. Jones, Hurst, to engage in the business of insurance in Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 10:11 a.m.

Doc. No. 780745

**Tuesday, February 14, 1978, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, to consider an extension of time to hold real estate for United Bankers Life Insurance Company, Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 10:11 a.m.

Doc. No. 780746

**Wednesday, February 15, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a hearing in Room 343, 1110 San Jacinto, Austin, to consider an application of Superior Lloyds Insurance Company, Dallas, for original articles of agreement and certificate of authority.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: February 1, 1978, 10:11 a.m.

Doc. No. 780747

**Tuesday, February 21, 1978, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a petition of Texas Automobile Insurance Service Office for adoption of endorsement forms to exclude punitive and exemplary damages from automobile insurance policies.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: February 1, 1978, 10:11 a.m.

Doc. No. 780744

## Lamar University

**Thursday, February 9, 1978, 9 a.m.** The Board of Regents of Lamar University will meet on the eighth floor, Mary and John Gray Library, Lamar University main campus, Beaumont, to consider the following agenda: presentation of the Lamar Freeway project by the Texas Highway Department

Engineer and staff and the City of Beaumont Director of Public Works; review of bids for buildings and grounds projects; authorization of Acting Director of Accounting for bank signatures for state warrants and state-local workers; review of sale of university property; approval of journal entries; approval of resolution regarding Spindletop Museum; approval of gift of equipment for Spindletop Museum; approval of procedures and fees for reservations for use of University Reception Center facilities; small class and teaching load reports for spring semester; review of recommendations for faculty development leaves; report of feasibility study for University Master Planning programs; President's quarterly report to the board regarding general, academic, student services, and development issues; and review of recommendations for faculty promotions and tenure (executive session).

Additional information may be obtained from Dr. Andrew J. Johnson, Box 10014, LUS, Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: February 2, 1978, 10:41 a.m.

Doc. No. 780791



## Board for Lease of University Lands

**Thursday, February 9, 1978, 12:30 p.m.** The Board for Lease of University Lands of the University of Texas System will meet in the President's Conference Room, University of Texas of the Permian Basin, Odessa, to consider the following agenda: ratification of transfer to expenses of sales; appropriation to expenses of sales; transfer to the Permanent University Fund; application for gas pooling agreement (Monsanto); two applications for gas pooling agreement (Exxon Corporation); unit agreement (Getty Oil Company); ratification of actions by geologist in charge on taking royalty gas in kind and price redetermination; policy guideline discussion; future market value lawsuits discussion; discussion of proposed oil and gas lease sale; and reports to the board regarding commingling of production.

Additional information may be obtained from Maxine R. Dean, 210 West 6th Street, Austin, Texas 78701, telephone (512) 471-5781.

Filed: February 1, 1978, 10:11 a.m.  
Doc. No. 780743

## Texas Motor Vehicle Commission

**Thursday, February 9, 1978, 2 p.m.** The Texas Motor Vehicle Commission will meet in Suite 914, Brown Building, 708 Colorado Street, Austin, to consider orders of dismissal in the following proceedings: No. 124, Forrester GMC RV Center v. Mobile Scout Manufacturing Corporation; No. 33, application of Simpson Automobile; No. 64, application of Garrett Suzuki; No. 73, Prestige Imports, *et al.*, v. Mercedes-Benz; No. 74, Action Cycles, *et al.*, v. Rokon; and No. 99, Hamilton's Auto Sales v. Amerigo. Also to be considered are the financial report and the status of a complaint of James Wilkerson.

Additional information may be obtained from Russell Harding, P.O. Box 13287, Austin, Texas 78711, telephone (512) 476-3587.

Filed: February 1, 1978, 10:11 a.m.  
Doc. No. 780741

## Board of Pardons and Paroles

**Monday through Friday, February 13-17, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: January 31, 1978, 10:34 a.m.  
Doc. No. 780724

**Wednesday, February 15, 1978, 9 a.m.** The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel, consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission, will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: January 31, 1978, 10:34 a.m.  
Doc. No. 780723

## Texas Parks and Wildlife Department

**Tuesday, February 28, 1978, 2 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. The division will consider the application of Dr. James S. Moore for a permit to remove approximately 700 cubic yards (total) of marl by means of dragline from Black Duck Bay and fill behind a bulkhead at 1807 Missouri Street, Baytown, Harris County. Adjacent property owners are J. Manteris and D. Roux. (Corps of Engineers Public Notice No. 11901)

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: February 1, 1978, 10:41 a.m.  
Doc. No. 780790



## Texas Board of Private Investigators and Private Security Agencies

**Thursday, February 9, 1978, 10 a.m.** The Texas Board of Private Investigators and Private Security Agencies will meet in the first floor conference room, 7600 Chevy Chase Drive, Austin, to consider the following agenda: discussion and final ratification of deletion of Rule 399.19.00.006; new pocket cards for investigators; approval of new licenses, suspension orders, reinstatement orders, certificates for replacement managers, terminations, revocations, and denials; requests for waiver on denial cases; discussion and possible action on delinquency fee policy; testimony regarding recent problems facing board; discussion regarding continuing education programs; and discussion regarding dual licensing program with State Board of Insurance.

Additional information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, telephone (512) 475-3944.

Filed: February 1, 1978, 11:25 a.m.  
Doc. No. 780756

## Public Utility Commission of Texas

**Tuesday, February 7, 1978, 9 a.m.** The Public Utility Commission of Texas has made an emergency addition to the agenda of a meeting to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin. As summarized, the commission will consider entering a final order in Docket No. 817, styled "Application of Cherokee County Electric Cooperative Association for Authority to Change Rates." This emergency addition is necessitated due to the utility waiving its period for replies and exceptions and requested expenditure in order to meet financial obligations.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: January 31, 1978, 4:02 p.m.  
Doc. No. 780737

**Friday, February 10, 1978, 9 a.m.** The Public Utility Commission of Texas has rescheduled a hearing originally scheduled for February 2, concerning an application of Creedmore-Maha Water Supply Corporation for a certificate of convenience and necessity for a water transmission line (Docket No. 1350).

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: February 1, 1978, 4:03 p.m.  
Doc. No. 780777

**Wednesday, February 15, 1978, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application to transfer operator office services from Southwestern Bell to other affected telephone companies (Docket No. 677), as summarized. The commission will consider both options submitted by the utility.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: January 31, 1978, 10:32 a.m.  
Doc. No. 780722

**Wednesday, February 15, 1978, 10 a.m.** The Public Utility Commission of Texas will conduct a pre-hearing conference in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding an application of Downey's Caney Creek Club Lot

Association for certificate of convenience and necessity within Matagorda County (Docket No. 1599), as summarized. The commission will attempt to clarify and simplify the issues and make offers of proof and stipulations relative to oral and documentary evidence.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: February 2, 1978, 11:13 a.m.  
Doc. No. 780796

**Tuesday, February 21, 1978, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas has rescheduled this hearing from February 22, to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding a complaint of Southwestern Bell Telephone Company vs. MCI Telecommunications Corporation, CPI Microwave, Inc., Southern Pacific Communications Company, and Western Union Telegraph Company (Docket No. 568), as summarized.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: January 30, 1978, 1:06 p.m.  
Doc. No. 780796

## School Land Board

**Tuesday, February 7, 1978, 10 a.m.** The School Land Board of the General Land Office will meet in Rooms 118 and 119, Stephen F. Austin Building, 1700 North Congress, Austin. The agenda, as summarized, includes the following: three pooling agreement applications; opening of bids for oil and gas lease sale; consideration of schedule and procedures for June 6, 1978, oil and gas lease sale; two easement applications regarding coastal public lands; 70 permit renewal reports; two permit alterations; four permit transfers; presentation by Mesa Petroleum Company, concerning lawsuit against City of Crystal Beach Regulation of Offshore Drilling and Production.

Additional information may be obtained from H. E. White, Room 749, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: January 30, 1978, 2 p.m.  
Doc. No. 780698

## Office of the Secretary of State

**Friday, February 17, 1978, 9:30 a.m.** The Elections Division of the Office of the Secretary of State will meet in Room 510, Sam Houston Building, Austin, to examine for certification electronic voting systems falling under Article 7.17a, Texas Election Code. Application for certification has been made by Computer Elections Systems and Baltec Corporation (Gyrex).

Additional information may be obtained from Larry McGinnis, Room 914, Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3091.

Filed: February 1, 1978, 3:25 p.m.

Doc. No. 780776

## Stephen F. Austin State University

*Saturday, February 11, 1978, 9 a.m.* The Board of Regents of Stephen F. Austin State University will meet in Room 307, Austin Building, Stephen F. Austin State University campus, Nacogdoches. As summarized, the board will consider personnel matters; approval of fiscal year 1979 room and board rates; approval of fiscal regulations; selection of architects for construction and renovation projects; acceptance of enrollment reports; and election of university president for academic year 1978-79.

Additional information may be obtained from Dr. William R. Johnson, Box 6078, SFA Station, Nacogdoches, Texas 75962, telephone (713) 569-2201.

Filed: February 2, 1978, 10:41 a.m.

Doc. No. 780782

## Texas Water Commission

*Thursday, February 23, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, regarding a petition for the organization of Cornerstones Municipal Utility District, as summarized.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 2, 1978, 10:53 a.m.

Doc. No. 780794

*Thursday, February 23, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, regarding a petition for the organization of a municipal utility district relating to proposed Harris County Municipal Utility District No. 137, as summarized.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 2, 1978, 10:53 a.m.

Doc. No. 780793

*Thursday, March 9, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider Cee Cross Company and Walter

Umphrey, who seek an amendment to maintain two off-channel reservoirs, one known as McFaddin Reservoir and having a capacity of 2000 acre-feet and one known as Umphrey Reservoir and having a capacity of 200 acre-feet, off Taylor Bayou, Neches Trinity Coastal Basin, for recreational purposes and to add two diversion points, one located on the perimeter of each reservoir in Jefferson County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:40 p.m.

Doc. No. 780701

*Thursday, March 9, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider, as summarized, an application of Beth Brandeberry, Corinne Shimer, and Joseph H. Jones, as independent executors of the estate of Cathleen C. Griffin, deceased (c/o William J. Lowe, Attorney at Law, Box 550, Clarendon, Texas 79226), seeking a permit to maintain two existing reservoirs in order to capture and retain for reuse 1000 acre-feet per annum of tailwater produced by applicants' groundwater system for the irrigation of 800 acres of land.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:39 p.m.

Doc. No. 780703

*Thursday, March 9, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application of Cloyce K. Box seeking a permit to divert and use 70 acre-feet of water annually from an existing 72 acre-foot capacity SCS reservoir, designated SCS Site 11c, located on an unnamed tributary North Fork Cow Bayou, 90 acre-feet of water annually from an existing 93 acre-foot capacity SCS reservoir designated Site 23 and 39 acre-feet of water annually from an existing 39 acre-foot capacity reservoir designated Site 24, both on separate unnamed tributary of South Fork Cow Bayou, Brazos River Basin, McLennan County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:39 p.m.

Doc. No. 780704

*Friday, March 10, 1978, 10 a.m.* The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application of Texas Parks and Wildlife Department, Austin, seeking a permit to maintain three existing dams and reservoirs on Can Creek, impounding an aggregate of 17 acre-feet of water for recreational purposes in the Sabinal Canyon State Park, and to divert and use

not to exceed seven acre-feet of water per annum for municipal purposes within the park and then for the irrigation of three acres of parkland.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:40 p.m.  
Doc. No. 780700

**Friday, March 10, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider an application of Ford and Virginia Allen (c/o Ross L. Jones, Attorney, P.O. Box 711, Coleman, Texas 76834), seeking a permit to divert and use 20 acre-feet of water per annum from an existing excavated pit containing approximately five acre-feet in the bed of Hords Creek, for irrigating 25 acres of land out of a 106-acre tract in the Miguel Benites Survey.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:39 p.m.  
Doc. No. 780702

**Wednesday, March 23, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider the cancellation of Permit No. 376, carried in the name of H. Dittlinger Roller Mills Company.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1978, 2:40 p.m.  
Doc. No. 780699

**Monday, March 27, 1978, 10 a.m.** The Texas Water Commission has rescheduled a hearing to be held in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding a request from the Lower Neches Valley Authority for designation as cooperating local sponsor in the project of the Corps of Engineers, U.S. Army, entitled "Neches River and Tributaries, Salt Water Barrier at Beaumont, Texas," as summarized.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: February 1, 1978, 9:13 a.m.  
Doc. No. 780740

## Texas Wheat Producers Board

**Tuesday, February 7, 1 p.m., until Wednesday, February 8, 1978, noon.** The Texas Wheat Producers Board will meet in emergency session in the Executive Meeting Room, Hilton Inn, Interstate 40 East, Amarillo. The board will hear the financial report, report from new accountant, Great Plains and Western Wheat Associate Report, budget review, and personnel report. (The requested date falls short of the seven-day time requirement for legal notice of such a meeting. However, these are the only dates on which most of the board members can attend the meeting.)

Additional information may be obtained from D. G. Nelson, Suite 600, Bank of the Southwest, Amarillo, Texas 79109, telephone (806) 352-2191.

Filed: February 1, 1978, 10:11 a.m.  
Doc. No. 780742

## Texas Youth Council

**Wednesday, February 8, 1978, 9 a.m.** The Texas Youth Council will meet in the TYC Conference Room, 8900 Shoal Creek Boulevard, Austin, to discuss Wende Property; unexpended balances; community services report; fiscal year 1980-81 budget; and Texas Youth Council litigation. The council will also conduct an executive session.

Additional information may be obtained from Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 475-5681.

Filed: January 31, 1978, 10:49 a.m.  
Doc. No. 780728

## Regional Agencies

### Meetings Filed January 30, 1978

**The Ark-Tex Council of Governments, Regional Alcohol/Drug Abuse Advisory Committee,** will meet in the district court room, Franklin County Courthouse, Mount Vernon, on February 9, 1978, at 2 p.m. The Executive Committee will meet at the Cattlemen's Restaurant, 4018 State Line Avenue, Texarkana, on February 9, at 5 p.m. The Board of Directors will meet in the Board Meeting Room, City Hall, Third and Walnut Streets, Texarkana, Arkansas, on February 9, at 7:30 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

**The Brazos Valley Development Council, Executive Committee,** will meet at 3006 East 29th Street, Bryan, on February 9, 1978, at 1:30 p.m. Further information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

**The East Texas Council of Governments, Executive Committee,** met in the Blue Room, Allied Citizens Bank Building, Kilgore, on February 2, 1978, at 7 p.m. Further information may be obtained from Don R. Edmonds, 5th Floor, Citizens Bank Building, Kilgore, Texas, telephone (214) 984-8641.



**The Education Service Center Region VII, Board of Directors**, will meet at 818 East Main Street, Kilgore, on February 9, 1978, at noon. Further information may be obtained from Von Rhea Beane, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

**The Mental Health/Mental Retardation Regional Center of East Texas, Board of Trustees**, will meet on the 10th floor, Bryant Petroleum Building, 305 South Broadway, Tyler, on February 9, 1978, at 4 p.m. Further information may be obtained from Ray Thomson, 305 South Broadway, Tyler, Texas 75702, telephone (214) 597-1315.

**The Panhandle Regional Planning Commission, Panhandle Health Systems Agency**, will meet at Texas Tech University Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on February 9, 1978, at 6 p.m. Further information may be obtained from E. L. Melin, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

**The San Antonio River Authority, Non-Designated Area San Antonio River 201 Basin Advisory Committee**, will meet at 100 East Guenther Street, San Antonio, on February 8, 1978, at 2 p.m. Further information may be obtained from Russell L. Masters, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

**The South Texas Development Council, Manpower Policy Advisory Council**, met at the Zapata Community Center, Zapata, on February 2, 1978, at 1:30 p.m. Further information may be obtained from Ernesto Garza-Gongora, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 772-3995.

**The South Texas Health Systems Agency, Plan Development Committee**, will meet in the STHSA Conference Room, Seale Hall, Texas A&I University, Kingsville, on February 10, 1978, at 10 a.m. The committee will meet again at the Bonanza Family Restaurant, Kingsville, on February 17 at 7 p.m. and on February 18 at 9 a.m. Further information may be obtained from Don Dietz, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 780697

## Meetings Filed January 31, 1978

**The Deep East Texas Regional MH/MR Services, Board of Trustees**, will meet in the conference room, Day Treatment/Administration Facility, 4101 South Medford, Lufkin, on February 11, 1978, at 9 a.m. Further information may be obtained from Wayne Lawrence, 4101 South Medford Drive, Lufkin, Texas 75901, telephone (713) 639-1141.

Doc. No. 780714

## Meetings Filed February 1, 1978

**The Alamo Area Council of Governments, Open Space Advisory Committee**, met at 532 Three Americas Building, San Antonio, on February 6, 1978, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

**The Concho Valley Council of Governments, Executive Committee**, will meet in the City Commission Chambers, City Hall Plaza, San Angelo, on February 8, 1978, at 7 p.m. Further information may be obtained from James F. Ridge, 7 West Twohig Building, Room 505, San Angelo, Texas 76903, telephone (915) 653-1214.

**The City of El Paso Urban Transportation Study, Policy Advisory Committee**, will meet in the City Council Chambers, El Paso, on February 8, 1978, at 11 a.m. Further information may be obtained from Judith M. Price, 106 North Ochoa, El Paso, Texas, telephone (915) 543-6770.

**The Houston-Galveston Area Council, Environmental Planning**, will meet at the following times and locations: North Harris County Community College, 2700 W. W. Thorne Drive, Houston, on February 7, 1978, at 7 p.m.; League City Civic Center, 308 West Walker, League City, on February 8 at 7 p.m.; and Houston-Galveston Area Council, 3701 West Alabama, Houston, on February 9 at 2 p.m. and 7 p.m. Further information may be obtained from Nicholas J. Aschliman, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

**The Permian Basin Regional Planning Commission, Board of Directors** will meet in the conference room, Air Terminal Office Building, Midland, on February 8, 1978, at 1:30 p.m. Further information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

Doc. No. 780749

## Meetings Filed February 2, 1978

**The Education Service Center Region XVI, Board of Directors**, will meet at 16th and Madison Streets, Amarillo, on February 16, 1978, at 1 p.m. Further information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120, telephone (806) 376-5521.

**The Gulf Coast Regional MH/MR Retardation Center, Board of Trustees**, will meet in the board room, First Hutchings-Sealy National Bank, Galveston, on February 8, 1978, at 7:30 p.m. Further information may be obtained from D. S. Tramonte, Jr., P.O. Box 2490, Galveston, Texas 77553, telephone (713) 763-2373.

**The High Plains Underground Water Conservation District No. 1, Board of Directors**, met at 2930 Avenue Q, Lubbock, on February 6, 1978, at 10 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405.

**The Houston Metropolitan Transit Authority, Board of Directors**, will meet in the Mayor's Conference Room, Basement Level, City Hall, 900 Brazos, Houston, on February 9, 1978, at 4 p.m. Further information may be obtained from Marilee M. Wood, P.O. Box 1562, Houston, Texas 77001, telephone (713) 325-1151.

Doc. No. 780795

## State Banking Board Memorandum on Charter Applications

The rules of the State Banking Board require an application for bank charter to be substantially complete before it is accepted as officially filed. To improve the enforcement of these rules, the board is adopting the following internal policies.

To be effective February 1, 1978, the board has appointed Karen Barnard to serve as its clerk for receiving and reviewing charter applications. An incomplete application will be returned to the applicant with the reasons for rejection.

Of special concern to the board are the subscribers list and subscribers affidavits which are made part of the application by the Texas Banking Code. The subscribers list submitted with the application should be substantially the same as the stockholders list of the new bank when it opens for business. Large blocks of stock held in trust for unnamed persons do not comply with the requirements of the law, and no more than 10 percent of the total number of shares may be held in trust for future officers and employees of the proposed bank at the time of the hearing. When the information concerning financing arrangements required by the subscribers affidavit is unavailable at time of filing, it is the applicant's responsibility to supply that information at the earliest possible date as well as all other data required on the affidavit form. A bank will not be allowed to open until the required information is filed with this office.

The rules of the State Banking Board require that a motion for continuance demonstrate good cause. Strict enforcement of this rule is necessary to insure all parties orderly disposition of matters pending before the board. Parties are expected to show diligence in the preparation of their cases.

Issued in Austin, Texas on January 30, 1978.

Doc. No. 780727 Robert E. Stewart  
Chairman  
State Banking Board

Filed: January 31, 1978, 10:45 a.m.

For further information, please call (512) 475-4451.



## Comptroller of Public Accounts

### Administrative Decisions

#### Summary of Administrative Decision 8525

**Summary of Decision:** When a grocer purchases more returnable bottles than he receives back from his customers, the net purchase amount should not be included in total purchases, taxable purchases, or gross sales when a purchase invoice audit is performed to determine the grocer's sales and use tax liability.

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Issued in Austin, Texas, on February 1, 1978.

Doc. No. 780762 Harriet D. Burke  
Hearings Section,  
Comptroller of Public Accounts

Filed: February 1, 1978, 11:51 a.m.

For further information, please call (512) 475-2148.

## Texas Education Agency State Board of Education Standing Committees

### Schedule of Committee Meetings

Friday, February 10, 1978, at the Ramada Inn, 2610 Interstate 10, Orange

8:30 a.m. - noon.

Committee for Programs and Personnel Development—  
Sabine Room

Committee for Policy, Budget, and Finance—Neches Room

2-5 p.m.

Committee for Investment of Permanent School Fund—Room  
144

Committee for Priority, Accountability, and Accreditation—  
Neches Room

No meeting is scheduled for the Committee for Special  
Schools.

Issued in Austin, Texas, on February 1, 1978.

Doc. No. 780761 J. B. Morgan  
Associate Commissioner for  
Policies and Services  
Texas Education Agency

Filed: February 1, 1978, 11:45 a.m.

For further information, please call (512) 475-7077.

## Texas Department of Human Resources

### Long Term Care Reimbursement Rate Increases

The Texas Board of Human Resources has approved the following statewide vendor rates to be paid as reimbursement to providers for long-term care services delivered to Medicaid recipients. These rates are effective for the month of January, 1978.

	New Daily Rate
ICF II	\$18.91
ICF III	20.82
SNF	24.55
ICF-MR I	19.53
ICF-MR V	27.92
ICF-MR VI	33.54

The ICF II, ICF III, and SNF rates were based upon cost data from facilities submitting 1976 facility cost questionnaires. The 1976 costs were adjusted for inflation and minimum wage increases to establish 1978 rates.

ICF-MR I, ICF-MR V, and ICF-MR VI rates were determined by adjusting the current rates for the minimum wage increase only, since the current rates include inflation increases. The 1976 facility cost questionnaire data was inadequate for ICF-MR rate setting.

Issued in Austin, Texas, on January 27, 1978.

Doc. No. 780690 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Filed: January 27, 1978, 2:57 p.m.

For further information, please call (512) 475-4601.

## Texas Department of Water Resources

### Contract for Consultant Services

#### Notice

The Texas Department of Water Resources has contracted with Meteorology Research, Incorporated, in the amount of \$251,294 for work and services to include an examination and analysis of 1976 and 1977 radar data collected by the Texas-HIPLEX cloud physics M-33 radar system; perform an analysis of estimating rainfall rates using M-33 radar reflectivity data; provide personnel and equipment to operate and maintain the M-33 radar system during the 1978 field program; and initiate a calibration study of mesoscale parameters using existing mathematical mesoscale models.

A letter-type progress report is due on the fifth day of each calendar month during the contract period. An interim progress report due April 5, 1978, covering the period January 23 through March 31, 1978, and subsequent progress reports due December 15, 1978, and at the contract termination date, will be the final reports covering the period of the contract.

Doc. No. 780707

## Water Quality Management Plan for the Rio Grande Basin

### Notice of Public Hearings to Receive Testimony

A Hearing Commission of the Texas Department of Water Resources will conduct a public hearing beginning at:

1:30 p.m., March 9, 1978

Lockhart Room  
Chamber of Commerce Building  
Main at Santa Fe  
El Paso, Texas

and

1:30 p.m., March 8, 1978

Eagle Center  
Union National Bank  
811 Flores  
Laredo, Texas

in order to receive testimony concerning *Volume I, Basic Data Report*, of the Water Quality Management Plan for the Rio Grande Basin. This document is the first of two volumes which, upon completion of *Volume II*, will form the Water Quality Management Plan for the Rio Grande Basin. *Volume I, Basic Data Report*, includes information on existing wastewater treatment facilities; existing water quality; existing land use patterns; existing population; and projections of economic growth, population, and probable land use patterns. *Volume II, Plan Summary Report*, will present the recommended plans for water quality management and the legal, financial, and institutional requirements of each plan. Also included in *Volume II* will be descriptions of feasible alternatives, an environmental assessment, and a summary of the public participation activities conducted during the development of the plan. The Water Quality Management Plan for the Rio Grande Basin is being developed to satisfy the requirements of Section 208 of the Federal Water Pollution Control Act Amendments of 1972, and pursuant to Title 40, Code of Federal Regulations, Parts 130 and 131, and the State of Texas Continuing Planning Process. The public hearing shall be conducted in compliance with Section 26.037 (formerly Section 21.089), Texas Water Code. The study area for this plan includes most of the Rio Grande River Basin. This plan will not address the planning required in the Lower Rio Grande Valley Designated Areawide Planning Area; detailed planning within that area will be provided through the development of the Lower Rio Grande Valley Areawide Waste Treatment Management Plan and will not be considered at this hearing.

Copies of the *Basic Data Report* will be made available for public inspection at the following locations: Texas Depart-

ment of Water Resources Offices, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas; Texas Department of Water Resources District 8 Office, Dellcrest Plaza No. 2 Building, 4713 Rigsby Avenue, San Antonio, Texas; Texas Department of Water Resources District 9 Office, 133 West Concho, San Angelo, Texas; Texas Department of Water Resources District 10 Office, 602 South Cedar Street, Pecos, Texas; Texas Department of Water Resources District 11 Office, 420 South Missouri Avenue, Weslaco, Texas; West Texas Council of Governments Office, The Mills Building, Suite 700, 303 North Oregon Street, El Paso, Texas; and Bernard Johnson, Incorporated, 5050 Westheimer, Houston, Texas. Copies of *Volume II, Plan Summary Report*, will be made available at these same locations when completed in June, 1978. However, the hearing cited in this notice will consider only *Volume I, Basic Data Report*, of the Water Quality Management Plan for the Rio Grande Basin.

Requests for copies of the *Basic Data Report* and questions about it should be addressed to Tommy Slaughter, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711, or telephone (512) 475-3454. When requesting a copy or sending a query by mail, please include your complete return address and telephone number.

The public is encouraged to attend the hearing and to present evidence or opinions as to the accuracy of the existing and projected data compiled in the *Basic Data Report*. Written testimony which is submitted prior to or during the public hearing will be included in the record. The Hearing Commission would appreciate receiving a copy of all testimony and questions concerning the public hearing should be addressed to Gordon W. Houser, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711 or telephone (512) 475-5516.

The date selected for this hearing is intended to comply with deadlines set by statute and regulation. Any publication or receipt of this notice less than 30 calendar days prior to the hearing date is due to the necessity of scheduling the hearing on the date selected.

This public hearing may be continued in order to fully develop the evidence.

Issued in Austin, Texas, January 30, 1978.

Doc. No.  
780705-78706      Gordon W. Houser, Staff Attorney  
General Counsel's Office  
Texas Department of Water  
Resources

Filed: January 30, 1978, 2:49 p.m.

For further information, please call (512) 475-3454.

## Texas Register Guide to Agency Activity—January

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